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ABSTRACT

This document is a collection of Education Commission of the States notes that address a wide array of education issues. The notes provide brief overviews of state legislation passed or pending on specific education issues. It analyzes such matters as performance-based accountability systems; state-level policies regarding accreditation in public schools; state quality indicators; state takeovers and reconstitutions; school choice; a national perspective on tuition tax credits; state-level policies regarding corporal punishment, school uniforms, and dress codes in public schools; determining the cost of a basic education; state constitutions and public education governance; states with "no pass/no drive" restrictions; statewide mandates on student extracurricular eligibility; state class-size reduction measures; adoption of state-admission requirements by type of board; state involvement in competency-based admissions; summaries of statewide data collection and research efforts to evaluate the effectiveness of admissions, student preparation, and/or remediation policies and programs; privatization of education services; corporate advertising on school buses; details on student reading; high school graduation requirements; state-by-state comparisons of expenditures, revenue, salaries, and teacher/pupil ratios; and tenure trends and reasons for dismissal. (RJM)

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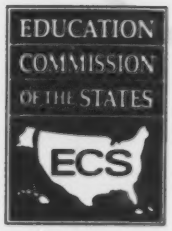

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EA 029 733

Over the last year, the ECS Clearinghouse issued over two dozen *Clearinghouse Notes* on a wide array of education issues. Typically, the *Notes* show at-a-glance state legislation passed or pending on specific issues. This packet contains the complete set for 1997-98.

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EDUCATION COMMISSION OF THE STATES ECS

Clearinghouse NOTES . . . . . ACCOUNTABILITY

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Performance-Based Accountability Systems

Source: Education Accountability Systems in 50 States, Education Commission of the States, 1997

The systemic approach of combining standards, assessment and accountability into a unified set of laws and regulations - a "performance-based accountability system" - has been coming onto the state scene for the last 25 years. When complete, these systems include four components: *standards and assessments, multiple indicators, rewards,* and *sanctions.* All four components may not exist in any one state, and any or all may occur in one of two ways - as a mandate from the state or as a piece of education policy and/or regulation.

The first component of a high-stakes, performance-based educational accountability system is standards and assessments. These academic or content standards are written to provide clear expectations of what students are required to learn, with a system of benchmarks that students must meet at specific grade levels. The standards are coupled with assessments that measure how successful students are in meeting the standards.

The second component is a set of multiple indicators. Each of these indicators must measure either directly or indirectly the effect of a particular element on student achievement.

Rewards are the third component in an accountability system. A reward is granted to the individuals, schools, or districts when student achievement exceeds the established standard or a gain is shown in that level of achievement based on previously reported outcomes. These rewards must be given or awarded for gains already made, not applied for as grants or waivers that would assist schools in working toward gains.

Sanctions form the fourth component of the system. If student achievement is identified as being below the levels set by the standards, or student test scores continually fail to show gains, sanctions may be applied that may vary from a simple warning to intervention and take-over by state officials.

The following tables describe the general form of the state accountability system in each state. Table 1 shows if and where components exist, Table 2 provides a summary the information presented in Table 1, and Table 3 gives statute numbers for those components found in state code.

Table 1 indicates for each state only which components are mandated by statute or regulation within that state. If the word "none" appears, either the component does not exist or exists in recommendation or publication form only from the state department of education.

Table 1

STATE	Standards and Assessments	Multiple Indicators	Rewards	Sanctions
AK - Alaska	regulation	statute	none	none
AL - Alabama	statute	statute	none	statute
AR - Arkansas	statute	statute	none	statute
AZ - Arizona	regulation/statute	statute	none	none

STATE	Standards and Assessments	Multiple Indicators	Rewards	Sanctions
CA - California	statute	statute	none	none
CO - Colorado	statute	regulation	none	regulation
CT - Connecticut	none/statute	regulation	statute	statute
DE - Delaware	regulation	statute	none	none
FL - Florida	statute	statute	statute	statute
GA - Georgia	statute	statute	statute	statute
HI - Hawaii	regulation	statute	none	none
IA - Iowa -	none	none	none	statute
ID - Idaho	regulation	statute	none	none
Il - Illinois	statute	statute	statute	statute
IN - Indiana	statute	statute	statute	statute
KS - Kansas	regulation	regulation	none	regulation
KY - Kentucky	statute	statute	statute	statute
LA - Louisiana	statute	statute	none	statute
MA - Massachusetts	statute	statute	none	statute
MD - Maryland	statute	statute	statute	statute
ME - Maine	statute	regulation	none	none
MI - Michigan	statute	statute	none	statute
MN - Minnesota	none	none	none	none
MO - Missouri	statute	statute	none	statute
MS - Mississippi	statute	regulation	none	statute
MT - Montana	none	none	none	none
NC - North Carolina	statute	regulation	statute	statute
ND - North Dakota	none	statute	none	none
NE - Nebraska	none	none	none	none
NH - New Hampshire	statute	statute	none	statute
NJ - New Jersey	regulation	statute	statute	statute
NM - New Mexico	regulation/statute	statute	statute	statute
NY - New York	regulation	statute	none	regulation
NV - Nevada	statute	statute	none	statute
OH - Ohio	regulation/statute	statute	none	statute
OK - Oklahoma	regulation/statute	statute	none	statute
OR - Oregon	statute	statute	none	statute
PA - Pennsylvania	regulation	statute	statute	none
RI - Rhode Island	statute	statute	none	statute
SC - South Carolina	statute	statute	statute	statute
SD - South Dakota	statute	none	none	none
TN - Tennessee	regulation/statute	statute	none	statute
TX - Texas	statute	statute	statute	statute
UT - Utah	statute	statute	none	none

STATE	Standards and Assessments	Multiple Indicators	Rewards	Sanctions
VA - Virginia	statute	regulation	none	regulation
VT - Vermont	statute	statute	none	regulation
WA - Washington	statute	statute	statute	statute
WI - Wisconsin	exec. order/ statute	statute	none	none
WV - West Virginia	regulation/statute	statute	none	statute
WY - Wyoming	none	none	none	none

Table 2 is a summary table of Table 1. It shows how many states have each of the individual components in place in statute or regulation, and how many do not have components in either place. Also, since several of the states show standards in one place and assessments in another, each component is broken out in this table.

Table 2: Summary of Table 1

	Standards	Assessments	Multiple Indicators	Rewards	Sanctions
in statute	29	36	37	14	29
in regulation	13	8	7	0	5
by exec. order	1	0	0	0	0
none	7	6	6	36	16
TOTAL	50	50	50	50	50

Table 3 shows which components of a performance-based accountability system exist in current statute in each state and the statute number assigned to that component in code.

The table does not show components that exist only in state regulation and/or publications from state departments of education. For instance, more than 95% of states have or are developing content standards and accompanying assessments, but only those mandated by statute are included here.

In addition, indicators may occur separately in statute, as in state report cards or school profiles, or they may be listed within state statutes that govern sanctions or rewards. Wherever they occur, they are listed here only if they include some assessment of student achievement.

Rewards also must be based on some measure of student gain; most are monetary in nature. Waivers are included as rewards only if they are granted without the need of application and are awarded as a result of gains in student achievement. Most waivers are not rewards for achievement, but rather a way to assist a school or district attempting to raise student achievement with a new plan or program they are unable to operate under current regulation.

Finally, sanctions may occur in a separate statute or be included within the public school accreditation system. Sanctions are included here only if they are based on measure of student achievement.

Table 3: Statute References for Accountability Components

* s - standards; a - assessments

STATE	*	Standards and Assessments	Multiple Indicators	Rewards	Sanctions
AK - Alaska			§ 14 03 120		
AL - Alabama	s a	§ 16-6B-1 § 16-6B-1	§ 16-6B-7		§ 16-6B-3

STATE	*	Standards and Assessments	Multiple Indicators	Rewards	Sanctions
AR - Arkansas	s	§§ 6-15-401-407	§ 6-15-806		§ 6-15-418
AZ - Arizona	a	§ 15-741	§ 15-743		
CA - California	s a	§ 60602 §60602	§ 33126		§§ 52051-9
CO - Colorado	s a	§ 22-53-407 § 22-53-409			
CT - Connecticut	a	§ 10-14n		§ 10-262l	§ 10-4b
DE - Delaware			§ 124A (d)		
FL - Florida	s a	§ 233 011 (3)(a) § 232 2454	§ 229 575 (3)	§ 236 1228	§ 229 0535
GA - Georgia	s a	§ 20-2-281 § 20-2-281	§ 20-2-282 (d)	§ 20-2-253	§ 20-2 282 § 20-2-283
HI - Hawaii			§ 296-92		
IA - Iowa					§ 256 11 (11)(12)
ID - Idaho			§ 33-4501		
IL - Illinois	s a	§ 105 ILCS 5/2-3 64 § 105 ILCS 5/2-3 64	§ 105 ILCS 5/10-17A	§ 105 ILCS 5/2-3 25C	§ 105 ILCS 5/2-3 25F § 105 ILCS 5/34-8 3
IN - Indiana	s a	§ 20-10 1-16-6 § 20-10 1-16-4	§ 20-1-1 2-6	§ 20-1-1 3-3	§ 20-1-1 2-9
KS - Kansas					
KY - Kentucky	s	§ 158 6453	§ 158 6451	§ 159 6455	§ 158 6455
LA - Louisiana	s a	§ 17 391 3 § 17 391 3	§ 17 3911(B)		§ 17 391 10
MA - Massachusetts	s	69 § 1I	69 § 1I		69 § 1J
MD - Maryland	s a	§ 7-203 § 7-203 1	§ 5-202 2	§ 5-2 03 3	§ 5-202 2
ME - Maine	s a	§ 6209 § 6202			
MI - Michigan	s a	§ 15 41278(2) § 15 41278(2)	§ 380 1204		§ 15 41280
MN - Minnesota					
MO - Missouri	s a	§ 160 514 § 160 518	§ 160 522		§ 160 538
MS - Mississippi	a	§ 37-16-1			§ 37-17-6 § 37-17-13
MT - Montana					
NC - North Carolina	s a	§ 115C-105 3 §§ 115C-174 10-11		§ 115C-105 36	§§ 115C-105 37-39
ND - North Dakota			§ 15-47-51		
NE - Nebraska					
NH - New Hampshire	s a	§ 193-C § 193-C			
NJ - New Jersey			§ 18A 7E-3	§ 18A 7F-29	§ 18A 7A-14

STATE	*	Standards and Assessments	Multiple Indicators	Rewards	Sanctions
NM - New Mexico	a	§ 22-2-8.5	§ 22-1-6	§ 22-13A	22-2-14 22-2-15
NV - Nevada	s a	Senate Bill 482 (1997) Senate Bill 482 (1997)	Senate Bill 482 (1997)		Senate Bill 482 (1997)
NY - New York			NY CLS Educ @ 215-a		
OH - Ohio	a	§ 3301.07.10	§ 3302.01		§§ 3302.03-.06
OK - Oklahoma	a	§§ 1201.507-12	§ 1210.531		§ 1210.541 § 1210.542
OR - Oregon	s a a	§ 329.045 § 329.485 § 335.160	§ 329.115		§ 334.217 § 342.173
PA - Pennsylvania			24 P.S. @ 25-2595	24 P.S. @ 25-2595	
RI - Rhode Island	s a	§ 16--7.1-2 § 16-7.1-13	§ 16-604-4(22)		§ 16-7.1-5
SC - South Carolina	s a	§ 59-30-10 § 59-30-10	§ 59-18-30	§ 59-18-10	§ 59-18-30
SD - South Dakota	s a	§ 13-3-48 § 13-3-51			
TN - Tennessee	s a	§ 49-1-601 §§ 49-1-603-610	§ 49-1-601		§ 49-1-601 § 49-1-602
TX - Texas	s a	§ 39.021 § 39.022	§ 39.051 § 39.052	§ 39.091-.112	§ 39.131
UT - Utah	s a	§ 53A-1a-107 53A-1-601-610	§ 53A-3-602		
VA - Virginia	s a	§ 22.1-253.13:1 § 22.1-253.13:3			
VT - Vermont	s a	Sec. 3.16 V.S.A. § 164 Sec. 3.16 V.S.A. § 164	Sec. 4.16 V.S.a. § 165		§ 165-4.16-(7)(b)
WA - Washington	s a	§ 28A.630.885(3)(a) § 28A.630.885(3)(b)		§28A.630.885(3)(i)(iv)	§ 28A.630.885(3)(h)
WI - Wisconsin	s a	executive order § 118.30	§ 115.38		
WV - West Virginia	a	§ 18-2E-1a	§ 18-2E-4		§ 18-2E-5
WY - Wyoming					

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Clearinghouse NOTES

ACCOUNTABILITY

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State-level Policies Regarding Accreditation in Public Schools

ECS Information Clearinghouse, 1998

Accreditation policies vary greatly among the states. While many states do not require schools or school districts to obtain accreditation, all states assess the performance of the public schools in some fashion. Accreditation involves the placement of a school or school district into a specific status based on an evaluation of the operations of the institution. This evaluation by an outside agency requires compliance with certain predetermined standards. If these predetermined standards include measurement of scholastic achievement among students, the accreditation system is considered to be performance based.

Assessment and/or accountability refers to providing evidence that a program or process is achieving its intended goals and that evaluations are being conducted in a variety of areas. Sanctions may be applied to schools or school districts for failure to meet either accreditation or assessment standards. State policies involving accreditation range from state performance based accreditation being the only means of accrediting schools (e.g. Indiana) to voluntary accreditation of schools being obtained through a regional accreditation association (e.g. Utah).

Regional accreditation is obtained through one of six regional accrediting bodies. These regional bodies are non-profit, non-governmental agencies and are recognized as being reliable authorities concerning the quality of education offered by a school. A school's participation in the regional associations' accreditation process is always voluntary and is intended to encourage educational excellence, promote cooperative action and protect the public interest by assuring the integrity and future preparedness of accredited schools. The regional associations accredit at least some schools in every state. Many schools retain both regional and state accreditation in states that have state accreditation systems.

Thirty states, Puerto Rico and the Virgin Islands have established state systems which accredit schools and/or school districts. Many schools in states without accreditation systems obtain accreditation through the regional accreditation associations.

Of the states that have state accreditation systems, seventeen states and Puerto Rico have tied student performance measures to obtaining accreditation.

Summaries of the specific state policies and code citations for further information are:

State	State Accredits	Performance Based Accreditation	Summary	Code citation
AL	Yes	No	While a state accreditation system exists, schools may elect to use the accreditation system of the Southern Association of Colleges and Schools. The total assessment program is student performance based, but the assessments are not tied to accreditation.	Alabama Code § 16-13-232 and 16-6B-1
AK	Yes	No	The state board of education is empowered to grant accreditation.	Alaska Stat. §14.07.020 (a)(6)

State	State Accredits	Performance Based Accreditation	Summary	Code citation
AZ	No	No	Arizona uses standardized essential skills testing for assessment of student achievement. Assessment plans are required at the district level. Excellence report cards, analyzing test results and making comparisons between districts, are required annually.	Ariz. Rev. Stat. §15-741/743
AR	Yes	No	The state board of education is responsible for developing regulations, criteria and minimum standards for accreditation. While a comprehensive testing and assessment program for students is in place, it is not directly tied to accreditation criteria.	Ark. Code Ann. § 6-15-401 through 406 and ASA @ 6-15-202
CA	No	No	California uses a statewide assessment of academic achievement which relies on information required in an annual statewide accountability report card program.	Cal. Educ. Code § 33126, 60602 through 60614/50
CO	Yes	Yes	State board of education develops a statewide accreditation process designed to encourage excellence based upon student performance results.	1 Colo. Code Regs. § 301-1
CT	No	No	All accreditation is accomplished through the requirements of the New England Association of Colleges and Schools.	Conn. Gen. Stat. § 10-239j
DE	Yes	Yes	State department of education develops accreditation program designed to improve and hold accountable schools based on student performance. Schools and districts can be "superior accredited," "accredited," placed on "accreditation watch" or considered non-accredited. Annual school and district profile reports are required which contain information pertaining to student achievement, educational outcomes and accreditation status.	Del. Code Ann. tit. 14 § 124A and 153 through 158
DC	No	No	Accreditation is accomplished through the requirements of the Southern Association of Colleges and Schools or Middle States Association of Colleges and Schools.	No legislative citation
FL	No	No	State board of education approves student performance standards in program categories and chronological grade levels. The student assessment program includes national and state comparisons and a standardized testing program.	Fla. Stat Ann. § 229.565(1/2) and 229.57
GA	No	No	Requires the assessment of the effectiveness of educational programs. Accreditation is accomplished through the rules of the Southern Association of Colleges and Schools.	Ga. Code Ann. § 20-2-281 and GCRR 160-3-2-.01
HI	No	No	State board of education establishes statewide performance standards and the assessment plan designed to measure success. A requirement exists for districts to report on accountability based on student performance standards.	Haw. Rev. Stat. § 296-2.60 and 296-92

State	State Accredits	Performance Based Accreditation	Summary	Code citation
ID	Yes	No	All schools must be accredited. Schools may elect to: 1) meet Idaho state accreditation standards 2) be accredited with Northwest Association of Schools and Colleges standards 3) meet the Idaho school improvement model 4) submit an alternative accreditation model for state approval.	Idaho Code § 33-1612 and IDAPA 8.02.02.140
IL	Yes	Yes	State accreditation process includes student performance and school improvement standards.	Ill. Admin. Code tit. 23, § 1-1.10/20 et. seq.
IN	Yes	Yes	State board of education adopts rules for the state accreditation system. No other system is allowed. Accreditation prerequisites and student performance standards are established in Indiana administrative rules.	Ind. Code § 20-1-1.2, 20-6.1-3-2/4 -1/4-4 through 4-8
IA	Yes	No	State board of education establishes accreditation standards. A needs assessment and achievement goals are required to address student performance, but are not directly required in accreditation standards.	Iowa Code § 256.11, 280.18 and 281 Iowa Admin. Code 22.1(256)
KS	Yes	Yes	Kansas statutes establish the "quality performance accreditation system." Student performance evaluation standards are addressed in the accreditation system.	Kan. Stat. Ann. § 72-6439
KY	No	No	Kentucky state board of education is responsible for creating and implementing a statewide, primarily student performance based, assessment program to ensure school accountability for student achievement of educational goals.	Ky. Rev. Stat. Ann. § 158.645 and 158.6453
LA	Yes	Yes	The superintendent of education develops and institutes state accreditation system. Accreditation is based on "pupil proficiency" criteria including "referenced tests" standards for public schools based on the attainment of educational goals and objectives.	La. Rev. Stat. Ann. § 17:391.4/9
ME	Yes	No	State board of education adopts accreditation rules. There is a statewide assessment plan that measures student academic achievement, learning results and the achievement of content standards. However, the system is not directly related to accreditation.	Me. Rev. Stat. Ann. tit. 20A, § 405(3)(E) and 6202/9
MD	Yes	Yes	State board of education (with guidance from the state superintendent) adopts rules for the accreditation of all public schools. The state education accountability program, which is part of the state accreditation standards, contains testing and measurement standards and is performance based.	Md. Code Ann., Educ. § 2-206(c) and 7-203/4
MA	No	No	An evaluation system exists for public school districts and schools which establishes assessment instruments and reports required on an annual basis. Evaluations are student performance based.	Mass. Gen. Laws ch. 69, § 1I and Mass Regs. Code tit. 603, § 30.04

State	State Accredits	Performance Based Accreditation	Summary	Code citation
MI	Yes	Yes	State board of education establishes and institutes performance based accreditation standards.	Mich. Comp Laws Ann. §15.41280
MN	No	No	State board of education may recognize accreditation agencies for the sole purpose of evaluating general attendance and curriculum issues. The commissioner of education is required to develop a comprehensive statewide plan for improving educational effectiveness. There is a statewide student testing and reporting system for assessment and a graduation standards rule. Creating and operating outcome based schools is also allowed (@120.064).	Minn. Stat. § 121.608 and 121.11(7) and 121.1113
MS	Yes	Yes	State board of education and commission on school accreditation establish and implement performance based accreditation standards for the accreditation of the public schools.	Miss. Code Ann. 37-17-6
MO	Yes	No	State board establishes rules and regulations for accreditation. Missouri has enacted the "outstanding schools act" which creates a statewide assessment system monitoring student performance (not directly related to accreditation).	Mo. Rev. Stat. § 160.092(9) and 160.500 through .538
MT	Yes	No	Accreditation is required of all schools and their accreditation status is reviewed annually. Standards are adopted by the board of public education with the recommendation of the superintendent of public instruction. Title 10, chapter 55 of administrative rules contains the standards for accreditation.	Mont. Code Ann. § 20-7-101/2
NE	Yes	Yes	State board of education and commission on school accreditation establish and implement performance based accreditation standards for the accreditation of the public schools. All schools were required to be accredited by the 93-94 school year.	Neb. Rev Stat. § 79-703
NV	No	No	The board of trustees of each school district implements an accountability program based on student performance on standardized tests and other factors. Annual reports are required to each community. Examinations are conducted in grades 4,8, 10 and 11.	Nev. Rev. Stat. § 385.347 and 389.015
NH	No	No	The required statewide education improvement and assessment program does not require accreditation. The assessment program is student performance based, but does not require minimum competency testing.	N.H. Rev. Stat. Ann. 193-C:1/6
NJ	No	No	School report card and efficiency programs report evaluative findings on schools. Evaluation of performance of each school is required based on student needs, progress and curriculum content standards. Assessments include some student performance measures, as well as, graduation requirements.	N.J. Stat. Ann. § 18A:7A-10, 18A:7E-1/5, 18A:7F-29 and 18A:7C-1
NM	Yes	Yes	State board of education accredits schools. Required subjects by grade are listed in accreditation standards. Accreditation is not mandatory. The state board assesses and evaluates all schools that desire accreditation. An annual school accountability report is required which measures student performance. Department of education does on-site accreditation visits including review of student performance standards.	N.M. Stat. Ann. 22-1-6, 22-2-2(F), 22-2-8.3 and N.M. Admin. Code tit.6, § 3.2.9

State	State Accredits	Performance Based Accreditation	Summary	Code citation
NY	No	No	An annual report to the legislature and governor concerning student achievement and performance is required from the board of regents of the university of New York. Accreditation is administered by the Middle States Association of Colleges and Schools.	N.Y. Educ. Law § 215-a
NC	Yes	Yes	State accreditation and basic education program creates school based management and accountability program. The accreditation system is student performance based and requires school "report cards" based on student performance.	N.C. Gen. Stat. § 115C-8, 115C-12(9c) and 115C-105.2
ND	Yes	No	Superintendent of public instruction may adopt standards for accreditation. Compliance is not mandatory. Any school which meets the standards must be considered an accredited school.	N.D. Cent. Code § 15-21-04.1
OH	No	No	State board of education determines standards for defining indicators to establish levels of school district and school performance. Proficiency testing is administered to students. Payments may be made to accreditation associations by districts desiring accreditation.	Ohio Rev. Code Ann. § 3302.01, 3301.07.10/ 11 and 3313.871
OK	Yes	Yes	State board of education is responsible for establishing accreditation rules. The standards must met or exceed the North Central Association of Colleges and Schools standards for accreditation and must use an "academic results oriented approach."	Okla. Stat. tit. 70, § 3-104(10) and 3-104.4
OR	No	No	State assessment system leads to the issuance of a "certificate of initial mastery" (for students completing the 10th grade), which is based on student performance. Schools must assess learning rates.	Or. Rev. Stat. § 329.025, 329.465 and 329.485
PA	No	No	State establishes an annual school assessment and accountability plan based on measuring student, teacher, school and district performance. The state assessment system is outcome based.	4 Pa. Code § 5.231 and 5.797
PR	Yes	Yes	The secretary of education establishes accreditation standards which includes the minimum requirements for evaluation of academic performance and administrative procedures.	P.R. Laws Ann. tit.,18 § 57
RI	Yes	No	Accreditation by the state is voluntary for secondary schools. Schools may choose either accreditation by the state, by the New England Association of Colleges and Schools, or both. Accreditation by the state is qualitative, but not performance based.	R.I. Code R. 08 060 002
SC	Yes	No	The state department of education establishes the plan for the accountability and accreditation of all schools. The plan includes a basic educational data system accreditation process and minimum accreditation procedures.	S.C. Code Ann. § 59-141-10 and 59-20-60
SD	Yes	No	State board of education promulgates rules and policies to establish standards for the classification and accreditation of all public schools. Accreditation standards are not performance based.	S.D. Codified Laws § 13-1-12 and 13-3-47

State	State Accredits	Performance Based Accreditation	Summary	Code citation
TN	No	No	Schools must meet performance goals and assessment requirements. The system uses a "value added assessment model." This statistical model is referred to as "Sander's model and provisions for its use are included in legislation.	Tenn Code Ann. § 49-1-603 through 608
TX	Yes	Yes	State department of education implements accreditation system and establishes accreditation levels for each school.	Tex. Educ. Code Ann. § 39.073 and 19 Tex. Admin. Code § 229.3
UT	No	No	Accreditation in Utah is voluntary and is administered by the Northwest Association of Schools and Colleges. Elementary, junior high and middle schools may elect accreditation under separate rules.	Utah Admin Code R277-410-3 and 411/412
VT	No	No	Accreditation of schools is voluntary. Schools may elect to use the New England Association of Colleges and Schools, be assessed under the state effective schools assessment plan or be assessed under alternatives developed by the state department of education.	Vt. Code R. 22-000-003
VIR ISLD	Yes	No	Accreditation visits by the department of education are authorized by legislation.	V.I. Code Ann. tit.17, § 193
VA	Yes	Yes	State board of education implements accreditation. Standards are performance based.	Va. Code Ann. § 22.1-19 and 22.1-253.13: 3; Va. Admin. Code, tit. 8, § 20-131-10
WA	Yes	No	State board of education accredits schools. Schools have option of obtaining Northwest Association of Schools and Colleges or state accreditation. School self studies are required.	Wash. Rev. Code § 28A.305.310 and Wash. Admin. Code § 180-55-020/ 035
WV	Yes	Yes	State board of education implements guidelines for the performance based accreditation system. Schools can obtain full, temporary, conditional or seriously impaired accreditation status. County board systems may also be accredited.	W.Va. Code § 18-2E-5
WI	No	No	State has student assessments conducted in grades 4, 8 and 10. High school graduation requirements are also established.	Wis. Stat. § 118.30/33
WY	Yes	Yes	State department of education establishes performance based accreditation system. Evaluation of individual schools results in the assignment of an accreditation level to the district. Accreditation levels are "full without follow up," "full with follow up" and "conditional."	Comp. Wyo. Regs. (Educ) 005-000-006 § 15

EDUCATION COMMISSION OF THE STATES

Clearinghouse NOTES

ACCOUNTABILITY

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State Quality Indicators
ECS Information Clearinghouse
1998

[Excerpts from **Education Accountability Systems in 50 States**, ECS, November 1997]

The indicators listed were gathered from statute, regulation and state department of education documents. The five states (Alabama, Hawaii, Idaho, New York, North Dakota) that have multiple indicators as their only accountability component most likely require a "report card" to the public.

Indicators listed are either measures of gains in student achievement or are elements perceived to influence those gains. They have two primary functions. First, the state education department uses the indicators to analyze whether school improvement goals have been met. Second, the state may use them to determine whether a district or school qualifies for a reward or if the state needs to apply a sanction for low performance.

The four main categories of indicators used for the chart below relate to: (1) students, for example, assessment scores, diversity, dropout rate and truancy; (2) professional staff, including attendance, experience and salary levels; (3) program, for instance, curriculum, climate and parent involvement; and (4) expenditures and use of resources, which includes per-pupil expenditure. Though items in the last three categories are not immediate indicators of gains in student achievement, they are perceived by educators, legislators and researchers as having a direct relationship to student achievement.

Alaska-Kentucky

INDICATORS:	AK	AL	AR	AZ	CA	CO	CT	DE	FL	GA	HI	IA	ID	IL	IN	KS	KY
Student:																	
Assessment scores	x	x	x	x	x	x	x	x	x	x	x			x	x	x	x
ACT and/or SAT scores					x		x							x	x		
Advanced Placement (AP) courses offered scores					x										x		
Attendance	x	x	x				x	x						x	x	x	x
Class size							x							x	x		
Demographics							x	x		x	x		x		x	x	
Discipline			x		x			x	x				x		x	x	
Diversity				x	x		x			x							
Dropout rate		x	x	x	x		x		x	x			x	x		x	x
Enrollment	x				x		x			x							
Expulsion rate									x						x	x	
Graduation rate	x	x		x					x	x				x	x	x	

INDICATORS:	AK	AL	AR	AZ	CA	CO	CT	DE	FL	GA	HI	IA	ID	IL	IN	KS	KY
Retention rate	x		x														x
Student/administrator ratio								x						x			
Student/teacher ratio							x	x						x			
Suspension rate									x						x	x	
Transition		x	x	x	x		x			x					x		x
Truancy								x						x			
Professional Staff:																	
Attendance							x										
Diversity																	
Evaluation					x								x				
Experience							x										
Leadership					x								x				
Preparation																	
Reduction of class size & teaching load					x								x				
Salary levels														x			
Staff development					x								x			x	
Working in area of certification					x								x				
Program:																	
Curriculum					x			x					x				
Learning climate					x											x	
Mission and/or goals statement								x					x				
Parental and/or community involvement	x							x						x		x	
Expenditures and Use of Resources:			x		x		x	x		x	x		x	x		x	

Louisiana-Nevada

INDICATORS:	LA	MA	MD	ME	MI	MN	MO	MS	MT	NC	ND	NE	NH	NJ	NM	NY	NV
Student:																	
Assessment scores	x	x	x	x	x		x			x	x			x	x	x	x
ACT and/or SAT scores	x										x			x	x		
AP courses: offered scores															x		
Attendance	x	x	x	x			x			x	x			x			x
Class size	x	x												x			x
Demographics	x									x							
Discipline																	x
Diversity										x	x						
Dropout rate	x	x	x	x			x							x	x		x
Enrollment		x		x			x				x			x	x	x	
Expulsion rate	x	x		x													x
Graduation rate	x										x			x		x	
Retention rate					x												

INDICATORS:	LA	MA	MD	ME	MI	MN	MO	MS	MT	NC	ND	NE	NH	NJ	NM	NY	NV
Student/administrator ratio							x										
Student/teacher ratio	x	x					x				x			x			x
Suspension rate	x	x															x
Transition							x				x			x	x	x	
Truancy		x															x
Professional Staff:																	
Attendance	x													x			
Diversity		x		x													
Evaluation		x															
Experience				x			x				x						
Leadership																	
Preparation				x			x				x					x	x
Reduction of class size & teaching load																	
Salary levels				x						x	x						
Staff development							x				x					x	
Working in area of certification	x																
Program:																	
Curriculum	x	x			x						x						x
Learning climate																	
Mission and/or goals statement															x		
Parental and/or community involvement					x		x								x		x
Expenditures and Use of Resources:	x	x					x			x	x			x	x	x	x

Ohio-Wyoming

INDICATORS:	OH	OK	OR	PA	RI	SC	SD	TN	TX	UT	VA	VT	WA	WI	WV	WY
Student:																
Assessment scores	x	x	x	x	x	x		x	x	x	x	x	x	x		
ACT and/or SAT scores				x					x	x		x				
AP courses offered scores										x	x	x		x		
Attendance	x	x			x			x	x	x	x	x	x	x		
Class size												x	x		x	
Demographics			x		x							x	x			
Discipline		x														
Diversity										x	x					
Dropout rate	x	x	x	x		x		x	x	x	x	x	x	x		
Enrollment										x		x	x		x	
Expulsion rate													x	x		
Graduation rate	x	x	x						x				x	x		
Retention rate												x	x	x		
Student/administrator ratio															x	

INDICATORS:	OH	OK	OR	PA	RI	SC	SD	TN	TX	UT	VA	VT	WA	WI	WV	WY
Student/teacher ratio									x	x		x			x	
Suspension rate		x			x								x	x		
Transition		x												x	x	
Truancy														x		
Professional Staff:																
Attendance					x											
Diversity			x													
Evaluation																
Experience			x							x					x	
Leadership																
Preparation																
Reduction of class size & teaching load																
Salary levels																
Staff development																
Working in area of certification																
Program:																
Curriculum																
Learning climate																
Mission and/or goals statement					x								x			
Parental and/or community involvement		x			x											
Expenditures and Use of Resources:			x						x	x		x	x	x	x	

Use of Indicators

Seven of the indicators are used by 16 or more states. They are:

- Assessment scores (40 states)
- Student behavior (includes discipline, truancy, expulsion and/or suspension) (16 states)
- Dropout rate (31 states)
- Student attendance (28 states)
- Expenditures and use of resources (includes per-pupil expenditure) (25 states)
- Graduation rate (17 states)
- Transition (education or employment after high school graduation) (16 states).

Assessment scores, the first indicator in the student category and the one states use most frequently to indicate gains in student achievement, are also one of the most complicated indicators. Various types of assessments are used to collect the student test scores reported in this subcategory, including, but not limited to, norm-referenced tests, criterion-referenced tests, performance assessments and portfolios.

Scores from these tests may be used separately or in combination to analyze gains. Current year's scores may be compared to the previous year's or years' data, using national norms or state standards, whichever is applicable. The comparisons formed may be between individual classes at specified grade levels, between buildings within a district or between districts.

Comparing individual student scores gives the most accurate data on student gains but is used less frequently than group comparison. Tracking individual student progress is more expensive than group comparisons and is becoming increasingly difficult because of the mobile nature of the American population. While it seems reasonable to compare last year's 4th-grade scores with this year's 5th-grade scores, this year's 5th graders may not be the same children as last year's 4th graders. Shifts in employment and other factors can cause drastic changes in student populations. Accurate tracking even within state borders is cumbersome, time consuming and can be prohibitively expensive. Only four states mandate the collection of data on student mobility — Alaska, Colorado, Illinois and Nevada, states that seem to have little in common.

Using two years of assessment data may give a fairer picture of gains in student achievement when using group comparisons for allocating rewards and sanctions in an accountability system.

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State Takeovers and Reconstitutions

INTRODUCTION

Many policymakers, educators and parents are deeply concerned about the performance of the nation's public schools. They cite subpar test scores, unruly student behavior and dilapidated school buildings as evidence that public schools are failing. Although some people question the extent of this failure, there is general agreement that public schools must improve, especially those performing at the lowest levels.

To ensure that districts, schools, teachers and students meet acceptable performance levels, many states and districts have enacted, and begun to enforce, various "accountability" policies. Two of the more recent, and controversial, accountability approaches are "state takeovers" of school districts and "reconstitutions" of schools. For each approach, this policy brief: (1) presents an overview, (2) discusses opposing perspectives, (3) examines effects and (4) offers questions for state policymakers.

STATE TAKEOVERS

Overview of State Takeovers

In 1989, the New Jersey Board of Education "took over" the Jersey City School District. In the process, it became the first state to manage a local district's daily operations because of "academic bankruptcy." In total, 22 states have passed legislation that allows them to take over an academically bankrupt district (for a list of these states, please see Table 1 on page 8). At least 10 of these states (and the federal government) have actually taken control of a low performing district (for a list of these states, please see Table 2 on page 9).

In a ***state takeover***, either the state legislature, the state board of education or a federal court charges the state department of education or another designated entity with managing a local district for a certain amount of time (e.g., five years). State takeover decisions are made for a variety of reasons, including poor student performance (i.e., low test scores, low attendance rates, high dropout rates and low graduation rates), crumbling infrastructure, fiscal mismanagement, inept administration and corrupt governance. Most state takeovers do not happen without the state department of education thoroughly documenting a school district's problems. In addition, a state takeover is usually the last step in a lengthy process most often prescribed by state policy, that is, a state takeover is almost always preceded by repeated warnings and less severe interventions by the state department of education.

The level of state control and local influence in takeovers varies from state to state. In some cases, such as New Jersey, state officials relieve local school board members and high-level administrators of their duties and appoint decisionmakers to manage the district in their place. In other cases (e.g., West Virginia), local school board members and high-level administrators remain in place as an advisory group. Local officials advise state-appointed decisionmakers on fiscal and budgetary matters, but still make curricular and instructional decisions.

A few states have enacted a variation to the traditional state takeover policy. In these instances, the state has placed district governance authority with individuals other than state department of education officials. For example:

- The ***Illinois*** legislature shifted control of the Chicago public schools to the mayor and charged him with appointing school board members, the board president and the district's chief executive officer.
- The ***Maryland*** legislature entered into a partnership with the city of Baltimore to run the Baltimore public schools. From this partnership, a new, nine-member board of school commissioners was created, with members jointly appointed by the governor and the mayor.
- The ***Ohio*** legislature shifted control of the Cleveland public schools to the mayor and charged him with appointing the school board and a chief executive officer.

Opposing Perspectives on State Takeovers

According to proponents of this approach, state takeovers:

- Are a necessary extension of a state's constitutional responsibilities
- Provide a good opportunity for state and local decisionmakers to combine resources and knowledge to improve children's learning
- Allow a competent executive staff to guide an uninterrupted and effective implementation of school improvement efforts
- Are a catalyst for creating the right environment for the community to address a district's problems
- Allow for more radical, and necessary, changes in low-performing districts
- Place school boards on notice that personal agendas, nepotism and public bickering have severe consequences
- Use achievement data collected from districts and school buildings to bolster accountability efforts.

Opponents of this approach, however, assert that state takeovers:

- Represent a thinly veiled attempt to reduce local school board control and increase state authority over school districts
- Use narrow learning measures (i.e., standardized test scores) as the primary criterion for takeover decisions
- Imply that the community has the problems and the state has the answers, and thus falsely assume that states have the ability to effectively run districts
- Place poorly prepared state-selected officials in charge, with little possibility of any meaningful change occurring in the classroom
- Usually focus on cleaning up petty corruption and incompetent administration and do not go to the root of the social problems facing disadvantaged students in urban districts
- Foster negative connotations and impressions that hinder the self-esteem of district board members, administrators, teachers, students and parents
- Produce showdowns between state and local officials which slow the overhaul of management practices, drain resources from educational reforms and reinforce community resentments.

Effects of State Takeovers

There is a scarcity of research on the effects of state takeovers. For the most part, they seem to be yielding more gains in central office activities than in classroom instructional practices. As evidence, state takeovers are credited with the following:

- Eliminating nepotism within district decisionmaking processes
- Improving the district's administrative and financial management practices
- Removing the threat of teacher's strikes
- Upgrading schools' physical condition
- Implementing innovative programs, such as small schools programs and cooperative arrangements between schools and social service agencies.

Despite these positive aspects, student achievement often falls short of expectations. In most cases, academic results are usually mixed at best. For instance, in 1996, the New Jersey board of education voted to extend its control of the Jersey City school district, despite 1995-96 test scores that were the best since the state took control of the district in 1989. The higher test scores came after years of marginal increases, and still remained below state standards in several key areas. Additionally, a 1994 evaluation of the Paterson, New Jersey, school district (three years after the state takeover) found that standardized test scores remained lower than state and community expectations.

Two promising experiences stand out among the state takeovers, however. In Logan County, West Virginia, the state left behind (as a result of the takeover) a state-appointed superintendent in charge of a system with higher test scores, better management and strengthened local support. According to the state superintendent, West Virginia succeeded in Logan County because it kept the local board in place, albeit with reduced powers. State officials felt that local decisionmakers needed to be a part of the recovery process, largely so they would know what to do when the district regained sole control of operations. Results of the takeover include the following changes:

- Performance, attendance and dropout rates improved dramatically
- Administrative difficulties and budget problems were resolved
- Personnel policies now comply with the law (e.g., all of the district's teachers now have valid teacher licenses).

As already mentioned, in 1995, the Illinois legislature shifted control of the Chicago public schools to the mayor and charged him with appointing school board members, the board president and the district's chief executive officer. According to a 1997 study by the University of Chicago, these changes have improved managerial efficiencies within the district. In addition, according to a 1998 study by the Consortium on Chicago School Research, student achievement indicators (i.e., standardized test scores) strongly suggest that the 1995 changes, along with earlier reforms (i.e., the 1988 Chicago School Reform Act), have precipitated substantial improvements in achievement in a very large number of Chicago public elementary schools.

As with most policies, the implementation of state takeovers has produced unintended consequences. Most dramatically, certain states are facing questions concerning the federal Voting Rights Act of 1965. In essence, the U.S. Department of Justice views state takeovers as potentially violating local voter rights to elect local officials and is requiring certain states to obtain the department's clearance before taking over a district. The state of Texas filed a lawsuit against the department, with the intention of freeing Texas from obtaining department clearance for a state takeover. However, the U.S. Supreme Court refused to hear the suit, primarily because there was no test case for them to review. Thus, this issue remains unresolved.

Questions About State Takeovers for Policymakers

In considering the enactment or enforcement of state takeover policies, state policymakers may want to consider the following questions:

- ***Criteria***
  - What are the characteristics of high- and low-performing districts? How can these factors be measured?
  - What criteria are used to identify districts eligible for state takeovers? How often is district performance monitored (e.g., every year, every 3-5 years, etc.)? Does a concentration of failing schools suggest problems endemic to the school system or specific to the schools not succeeding?

- ***Intervention Decisions***
  - Should a state intervene in a low-performing district? If so, what are the grounds for intervention? Does it take a local school district's total collapse to trigger state involvement? Are there other approaches that are more effective and efficient than a state takeover in improving district performance?
  - Do state education departments have the ability (i.e., resources, expertise) to run a local school district? Can the state provide the support or assistance the district needs? Can state takeovers generate and sustain improved instruction? How do state departments of education balance their oversight role with their operating role in a credible and objective manner?
  - If officials in low-performing districts are given the same authority (e.g., ability to change staff, remove collective bargaining agreements, etc.) as state-selected officials, can they improve the district's performance?

- ***Implementing State Takeovers***
  - How does a state set goals for its takeover efforts? How does a state fund a takeover?
  - Will the state involve district policymakers, administrators, teachers, students and parents in their reform efforts? Within a state takeover, what are the roles of these various groups?
  - Should the state involve other statewide groups, such as the teachers' union, the school boards association or the administrators association, in its takeover efforts?

- ***Ending a State Takeover***
  - How do states determine whether students are making sufficient progress to allow control to revert back to local officials?
  - How much time should states give districts to improve? When and under what conditions should a state withdraw from a district?
  - If a state takeover fails to yield sufficient improvement in student achievement in the specified time, what is the next step?
  - How does the state prevent the district from backsliding once a takeover ends?

- ***Long Term Changes***
  - Beyond the immediate crisis, how does a state improve the ability of local people, from school board members to teachers, to work more effectively?
  - What is the state's role in assisting local districts before they are in crisis?

RECONSTITUTIONS

Overview of Reconstitutions

In 1983, the San Francisco School District implemented a school improvement pilot program, primarily as a result of a court ruling on its desegregation case. This program aimed to improve the performance of some of the district's lowest achieving schools. One of the program's more controversial aspects was a "reconstitution" provision, which allowed the district to replace the principals, teachers and other staff, and create new philosophies and curricula at several schools. Since then, schools in at least seven other states have been reconstituted, *either through state- or district-initiated effort* (for a description of these states and districts, please see Table 3 on page 11).

Generally speaking, a school ***reconstitution*** involves hiring new staff, creating a new philosophy and developing a new curriculum at a given school. Some states and districts include other components within this approach as well, such as reducing teacher/student ratios. State and district officials cite the following chronic problems as the reasons for reconstitutions:

- Low attendance rates and graduation rates and high dropout rates
- Poor performance on standardized tests
- A failure to show significant improvement in standardized test performance
- Poor morale among "school community" members (e.g., discouraged staff, disgruntled parents and alienated students)
- Deteriorating school buildings.

Before a state or district resorts to such a dramatic action, it usually notifies a poorly performing school of the need for improvement. If the school fails to improve its performance after a given time period, the state or district then steps in and "reconstitutes" it. Displaced principals and teachers sometimes may reapply for their old jobs, but they and other candidates have to accept the new school philosophy in order to be hired.

Opposing Perspectives on Reconstitutions

Advocates of this approach believe reconstitutions:

- Are an indictment of a school's organization and culture (not its individual staff members)
- Immediately stop "bad education" from happening to kids in low performing schools
- Bring in a staff eager to take on the challenge of working in chronically unsuccessful schools, and thus can give a fresh start to these schools and their students
- Can improve the learning environment for students through changing both administrators and teachers in an ineffective school
- Foster a new, student-focused culture in schools where failure was acceptable
- Use achievement data collected from districts and school buildings to bolster accountability efforts and redirect instructional practices
- Are the only remaining solution for schools that face problems of crumbling conditions, discouraged employees and alienated students.

Opponents of this approach, however, contend that reconstitutions:

- Are implemented within a set of inconsistently enforced standards
- Too often focus on "bad people" instead of "bad practices," and thus are a simplistic response to a complicated problem
- Stigmatize and demoralize everybody in a school (including those who are doing a good job)
- Place a new principal and a mostly new teaching force into a difficult situation
- Discriminate against poor and minority children by failing to take into account the challenges of their communities
- Undermine reform efforts already under way
- Will not make a difference unless the ineffective school's instructional approach is changed as well.

Effects of Reconstitutions

As with state takeovers, there is a dearth of evidence about the effects of reconstitutions. On the one hand, it has brought a much-needed sense of order and stability to some schools, along with an increase in parent and community involvement. It also has allowed state and district officials to remove ineffective staff members (from the school, not the district). The number of teachers who are rehired at a reconstituted school, however, ranges from only a handful to as many as two-thirds, depending on the district.

Again, much like state takeovers, academic progress (as measured by standardized test scores) is uneven in reconstituted schools. For example, a 1992 study of the San Francisco school improvement program of the 1980s found improved student achievement in reconstituted schools with large numbers of poor or minority students. In the eight schools reconstituted since 1994 in San Francisco, however, there has been very little, if any, improvement in standardized test scores.

Although reconstitution's effectiveness has not been fully proven, it can send a message that state and district policymakers will not tolerate chronic student failure. In so doing, reconstitutions may put pressure on educators to reevaluate their efforts. In fact, some argue that the threat of reconstitution has had some impact in motivating school personnel to improve their academic programs. For example, in June 1996, the San Francisco school district announced that out of eight schools put on probation in 1996, four showed sufficient improvement in student performance to be removed from probation.

Questions About Reconstitutions for Policymakers

In considering the enactment or enforcement of reconstitution policies, state policymakers may want to consider the following questions:

- ***Criteria***
  - What are the characteristics of high- and low-performing schools? How can these factors be measured?
  - What are the criteria for identifying schools eligible for reconstitution? Are clear standards enforced consistently across a state or district? How often is school performance monitored (e.g., every year, every 3-5 years, etc.)?

- ***Intervention Decisions***
  - Are other steps, such as remediation or probation, necessary before reconstitution? How much time should schools be given to correct their problems before being reconstituted?
  - Can the state or district provide the support or assistance that the schools need? Can reconstitutions generate and sustain improved instruction?

- Are there different results in state- vs. district-initiated reconstitutions?
- Are there other approaches that might be more effective and efficient than reconstitutions in improving the performance of distressed schools?

- ***Implementing Reconstitutions***
  - How are reconstitution efforts financed?
  - Can teachers reapply for their jobs? What happens to displaced teachers? Should they be allowed to work elsewhere in the district?

- ***Long Term Changes***
  - Beyond the immediate crisis, how do states and districts improve the ability of school staff to work more effectively?
  - How can states and districts attract top quality staff to high need schools?

CONCLUSION

As with many education "solutions," the effects of state takeovers and reconstitutions on student achievement are debatable, partly because of the lack of strong research evidence about this relationship. State and district policymakers are faced with a perplexing situation. They are constitutionally responsible for ensuring that each child receives an "adequate" education, yet two of their more extreme approaches for improving the performance of low-achieving districts and schools often produce marginal results. The tough question remains: What can state and district policymakers do to improve the education of children in low-performing districts and schools?

Although state takeovers and reconstitutions are not the "silver bullet" for answering this question (in part because of the diverse conditions prevailing in troubled districts and schools), these approaches force policymakers, educators and parents to reexamine how they measure "student achievement," how often they monitor district and school performance and at what times (and to what extent) they intervene in a district or school.

In the end, a more effective intervention process may evolve from states' and districts' experiences with state takeovers and reconstitutions, and it may include any number of previously unthinkable solutions (e.g., "performance contracts" between states and districts, district breakups, school closures and student choice). At the minimum, the next phase of accountability policy calls for more effective approaches to improving student performance in troubled districts and schools, and will undoubtedly test the will of policymakers, educators and parents to more consistently meet the needs of the students in these districts and schools.

This policy brief was written by Todd Ziebarth, policy analyst, ECS, with financial support from the Joyce Foundation.

TABLE 1
ACADEMIC BANKRUPTCY LAWS

The following states have "academic bankruptcy" laws in place. At the extreme, these laws allow states to "take over" local district operations in cases of poor student performance.

State	Citation
Alabama	Ala. Code § 16-6B-3
Arkansas	Ark. Stat. Ann. § 16-15-418
Connecticut	Special Act 97-4 [1997 Regular Session]
Georgia	Ga. Code Ann. § 20-2-282 and § 20-2-283
Illinois	105 Ill. Comp. Stat. Ann. 5/2-3.25f 105 Ill. Comp. Stat. Ann. 5/34-1 (Chicago School District)
Iowa	Iowa Code § 256.11
Kentucky	Ky. Rev. Stat. Ann. § 158.6455
Maryland	Senate Bill 795 [1997 Regular Session]
Massachusetts	House Bill 5436 [1991 Regular Session] (Boston School District) 603 CMR § 69 1J - § 69 1K
Mississippi	Miss. Code Ann. § 37-17-6
Missouri	Mo. Rev. Stat. § 160.538
New Jersey	N.J. Rev. Stat. § 18A: 7A-14 - § 18A: 7A-15
New Mexico	N.M. Stat. Ann. § 22-2-2 (W)
New York	c. 145 of L. 1995 (Roosevelt Union Free School District) N.Y. Educ. Law § 2590-h (New York City Chancellor)
North Carolina	N.C. Gen. Stat. § 115C-105.39, § 115C-325 (q)
Ohio	Ohio Rev. Code Ann. § 3302.01 - § 3302.06 House Bill 269 [1998 Regular Session] (Cleveland School District)
Oklahoma	70 Okla. Stat. § 1210.541 - § 1210.542
Pennsylvania	Act 46 of 1998 [1998 Regular Session] (Philadelphia School District)
South Carolina	S.C. Code Ann. § 59-18-30
Tennessee	Tenn. Code Ann. § 49-1-601 - § 49-1-602
Texas	Tex. Educ. Code Ann. § 39.131
West Virginia	W. Va. Code § 18-2E-5

Florida (Fla. Stat. § 229.0535), Michigan (Mich. Stat. Ann. § 380.1280) and and New York (8 NYCRR @ 100.2p) have passed laws that allow the state to intervene in a district. However, these laws do not permit the state to alter (on a permanent or temporary basis) the district's governance structure.

TABLE 2
STATE TAKEOVERS*

The following states have "taken over" the following districts for reasons of "academic bankruptcy":

State	District(s)
Connecticut	In 1997, the state legislature enacted a law to abolish the locally elected ***Hartford*** school board and empower the governor to appoint a new one.
District of Columbia (U.S. Congress)	In 1995, the U. S. Congress created a financial control board to operate the ***District of Columbia***'s government. This board appointed a new superintendent of schools and created a board of trustees to oversee the city's school system.
Illinois	In 1994, state officials appointed a three-member panel to "clean up" the financial and academic problems within the ***East St. Louis*** school district. In 1995, the state legislature shifted control of the ***Chicago*** public schools to the mayor and charged him with appointing school board members, the board president and the district's chief executive officer.
Kentucky	In 1988, the state superintendent of education, with the approval of the state board of education, took control of the ***Pike County*** school district due to "educational deficiencies" in the district. In 1994, state officials assumed control of the ***Letcher County*** school district. Although the local board remains in place, the state superintendent retains veto power and can initiate actions if the board fails to fulfill its obligations. In 1998, the state superintendent of education appointed three board members to the ***Floyd County*** school board, who then voted to accept a takeover by the state because of "educational malpractice" within the district.
Maryland	In 1997, the state legislature entered into a partnership with the city of Baltimore to run the ***Baltimore*** public schools. From this partnership, a new, nine-member board of school commissioners was created, with members jointly appointed by the governor and the mayor.

Massachusetts	In 1989, the state legislature enacted a law that allowed Boston University to run the ***Chelsea*** school district under a long-term management contract. In 1991, the state legislature enacted a law that abolished the elected ***Boston*** School Committee and gave the mayor of Boston the right to appoint school committee members. In 1996, the citizens of Boston voted to maintain the mayorally-appointed school committee. In 1998, state officials intervened in the ***Lawrence*** school district. The state entered into a joint selection process with the district for a new superintendent, and opened an office in the district to oversee daily operations and provide technical assistance to school administrators.
New Jersey	In 1989, the New Jersey board of education took over the ***Jersey City*** school district, charging district administrators with patronage in hiring, violation of state contract-bidding laws, political interference in the schools and general mismanagement that affected students and their abilities to learn. In 1991, after years of performing poorly in New Jersey Department of Education assessments and reviews, the ***Paterson*** school district was taken over by state officials. In 1995, the ***Newark*** school district was taken over by the state. The New Jersey board of education ruled that the district had failed to give its students a minimum education for decades and would be taken over by a state-supervised management team.
New York	In 1996, the New York Board of Regents voted to approve a state takeover of the ***Roosevelt*** school district. As a basis for its actions, the board cited unsafe schools and low-performing students.
Ohio	In 1995, a U.S. federal court charged the state with running the ***Cleveland*** public schools through a state-appointed superintendent. In 1997, the state legislature shifted control of the Cleveland public schools to the mayor and charged him with appointing the school board and the chief executive officer of the school system.
Texas	In 1996, the state appointed a management team to run the ***Wilmer-Hutchins*** school district.
West Virginia	In 1992, state officials took over the ***Logan County*** school district, after many years of poor management and personnel practices and low student achievement records. In 1998, the ***Mingo County*** school district was taken over by the state. The West Virginia Board of Education determined that "extraordinary circumstances" existed in the district because of continuing budget deficits, low student achievement and a lack of leadership.

*** This is not a comprehensive list.**

TABLE 3
RECONSTITUTIONS*

School reconstitutions have occurred in the following states and districts, some initiated by the state and some by the district:

State	District
California	The ***San Francisco*** School District began reconstituting schools in 1983, as part of a court order to improve the academic performance of minorities and to desegregate its school system. In 1983-1984, six schools were completely reconstituted. Later, more were reconstituted along less radical lines, including 10 reconstituted schools since 1994.
Colorado	***Denver*** Public Schools (DPS) officials implemented a school evaluation process that will consider student achievement levels, writing samples, suspensions, participation in the gifted and talented program, parent involvement, building maintenance and allocation of resources. A school deemed in need of "redesign" could be placed on probation for a year and given a chance to reform itself, or if the situation is bad enough, be closed over the summer and restaffed for the following fall. In its first drastic step, DPS reconstituted two elementary schools, rehiring only a few original teachers. Although the teachers' union initially balked when news of the possible overhauls broke, union leaders then took the unusual step of cooperating closely with DPS administrators. Still, all but a handful of teachers at each school were required to find positions elsewhere in the district.
Illinois	The ***Chicago*** Public Schools chief executive officer ordered the reconstitution of seven poorly performing high schools in the 1997-1998 school year. Reconstitution in Chicago requires all employees - principals, teachers, and classified staff - to reapply for their jobs. Those who receive a poor evaluation will be removed from the schools. Teachers not rehired have 10 months to find another job in the system before being taken off the payroll. They are expected to work as substitutes during that time, with one day off a week for job hunting.
Maryland	***Prince George's County*** administrators ordered the staffs of four elementary schools and two middle schools to reapply for their jobs in June 1997. In the end, new principals were brought in for five of the six schools, and slightly more than a third of the teachers and administrators returned to their original schools. Officials said they were trying to boost achievement at the schools before they became candidates for reconstitution by the state, which has put 50 schools in Baltimore on notice that they may be reconstituted.
New York	State officials told the ***New York City*** School District to improve certain schools or risk state takeover. In response, the district assigned these schools to a separate school district directly under the district chancellor's control. Although students were not transferred, the chancellor ordered the redesign of 13 of the district's worst schools, with eight getting new principals.
Ohio	In the ***Cleveland*** Public Schools, the state-appointed superintendent announced he was "cleaning house" at two elementary schools just three weeks before the start of school. Despite protests from parents and labor grievances by the teachers' union, more than two-thirds of the teachers at the schools were replaced when classes resumed in August 1997.
Texas	In 1993, the ***Houston*** Independent School District reconstituted Rusk Elementary School, and reassigned the school's principal, declared all the teaching positions vacant and told the teachers they would have to reapply for their jobs or transfer elsewhere in the district. Also, the ***San Antonio*** School District has reconstituted four schools.

*** This is not a comprehensive list.**

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Choice of Schools: State Actions

Parental choice of schools is one of today's most discussed public education issues. "Choice" as a descriptor takes on several meanings. Narrow use of the word (e.g., assuming that choice equals only vouchers or open enrollment) often confuses the debate. In this document, the Education Commission of the States (ECS) uses "choice" as a broad descriptor covering many different ideas. What follows is a summary of the following aspects of school choice:

Charter schools:

- Charter schools are independent public schools, formed by teachers, parents and/or community members. Such schools are freed from most state and local laws and/or policies in exchange for a written contract (or charter) which specifies certain results that must be met.

Choice (Open enrollment):

- "Interdistrict" open enrollment programs allow choice of public schools across and within district boundaries.
- "Intradistrict" open enrollment programs allow choice of public schools within district boundaries.
- "Mandatory" open enrollment programs require districts within a state to participate in the program, given that space is available in the district.
- "Voluntary" open enrollment programs allow districts to choose whether to participate, given that space is available in the district.

Tax credits:

- A tax credit provides direct reductions to an individual's tax liability. For example, Jack owes $1,000 in income taxes. He is eligible, however, for a given state's $500 tax credit. He subtracts the $500 tax credit from the $1,000 tax liability, and now owes $500 in income taxes.

Tax deductions:

- A tax deduction is a reduction in taxable income made prior to the calculation of tax liability. For instance, Jill has a taxable income of $100,000. She, however, is eligible for a given state's $1,500 tax deduction. She subtracts the $1,500 from her income of $100,000, and now has $98,500 in taxable income.

Postsecondary enrollment:

- Postsecondary enrollment programs allow secondary school students to enroll in postsecondary courses and apply course credit at the secondary school, a postsecondary institution or both.
- "Comprehensive" postsecondary enrollment programs allow students to enroll in postsecondary courses at minimal or no cost, permit course credit to be applied at both the high school and postsecondary institutions and contain few restrictions on eligible courses for student enrollment.
- "Limited" postsecondary enrollment programs require students to pay tuition costs of postsecondary classes, restrict where course credit may be applied and contain stringent criteria on eligible courses for student enrollment.

Private vouchers:

- A private voucher is a payment a private organization makes to a parent, or an institution on a parent's behalf, to be used for a child's education expenses.

Public vouchers:

- A public voucher is a payment the government makes to a parent, or an institution on a parent's behalf, to be used for a child's education expenses.

State	Charter School Law[1]	Number of Charter Schools[2]	Open Enrollment Law[3]	Public Voucher Law[4]	Privately-Funded Voucher Program[5]	Income Tax Credit/ Income Tax Deduction[6]	Postsecondary Enrollment Options[7]
Alabama	-	-	X (Intradistrict/Voluntary)	-	X	-	-
Alaska	X	18	-	-	-	-	-
Arizona[8]	X	271	X (Interdistrict/Mandatory)	-	X	$500 and $200 (income tax credits)[9]	X (Limited)
Arkansas	X	0	X (Interdistrict/Mandatory)	-	X	-	X (Limited)
California	X	156	X (Interdistrict/Voluntary and Intradistrict/Mandatory)	-	X	-	-
Colorado	X	61	X (Interdistrict/Mandatory)		X		X (Comprehensive)
Connecticut	X	17	X (Interdistrict/Mandatory)	-	X	-	-
Delaware	X	10	X (Interdistrict/Mandatory)	-	-	-	-
District of Columbia	X	22	-	-	X	-	-
Florida	X	82	-	-	X	-	X (Comprehensive)
Georgia	X	28	-	-	X	-	X (Comprehensive)
Hawaii	X	2	-	-	-	-	-
Idaho	X	1	X (Interdistrict/Mandatory)	-	-	-	-
Illinois	X	20	-	-	X	-	-
Indiana	-	-	X (Interdistrict/Voluntary)[10]	-	X	-	X (Limited)
Iowa	-	-	X (Interdistrict/Mandatory)	-	-	$250 (income tax credit)	X[11]
Kansas	X	15	-	-	X	-	X (Limited)
Kentucky	-	-	-	-	-	-	-
Louisiana	X	10	X (Interdistrict/Voluntary)	-	X	-	X (Limited)
Maine[12]	-	-	-	-	-	-	X (Comprehensive)
Maryland	-	-	-	-	X	-	-
Massachusetts	X	37	X (Interdistrict/Voluntary and Intradistrict/Mandatory)[13]	-	X	-	X (Comprehensive)
Michigan	X	152	X (Intradistrict/Voluntary)	-	X	-	-

State	Charter School Law[1]	Number of Charter Schools[2]	Open Enrollment Law[3]	Public Voucher Law[4]	Privately-Funded Voucher Program[5]	Income Tax Credit/ Income Tax Deduction[6]	Postsecondary Enrollment Options
Minnesota	X	37	X (Interdistrict/Mandatory)	-	X	$1,000 - $2,000 (income tax credits)[14] $1,625 - $2,500 (income tax deductions)[15]	X (Comprehensive)
Mississippi	X	1	-	-	X	-	-
Missouri	X	0	X (Interdistrict/Voluntary)	-	X	-	-
Montana	-	-	-	-	-	-	-
Nebraska	-	-	X (Interdistrict/Mandatory)	-	X	-	-
Nevada	X	1	-	-	-	-	X (Limited)
New Hampshire	X	1	X (Interdistrict/Voluntary)	-	-	-	-
New Jersey	X	39	X (Interdistrict/Voluntary)	-	X	-	X (Comprehensive)
New Mexico	X	5	-	-	-	-	-
New York	-	-	X (Interdistrict/Voluntary)[16]	-	X	-	-
North Carolina	X	64	-	-	X	-	-
North Dakota	-	-	X (Interdistrict/Mandatory)	-	-	-	X (Limited)
Ohio	X	15	X (Interdistrict/Voluntary)	X[17]	X	-	X (Comprehensive)
Oklahoma	-	-	-	-	X	-	X (Limited)
Oregon	-	-	X (Interdistrict/Mandatory)	-	X	-	X (Comprehensive)
Pennsylvania	X	35	-	-	X	-	
Puerto Rico	X	NA[18]	X (Interdistrict/Mandatory)	-	X	$250 and $500 (income tax credits)[19]	-
Rhode Island	X	2	-	-	-	-	-
South Carolina	X	5	-	-	-	-	-
South Dakota	-	-	X (Interdistrict/Mandatory)	-	-	-	-
Tennessee	-	-	X (Interdistrict/Mandatory)	-	X	-	-
Texas	X	146	X (Interdistrict/Voluntary)	-	X	-	-
Utah	X	2	X (Interdistrict/Mandatory)	-	-	-	X (Comprehensive)
Vermont[20]	-	-	-	-	-	-	-
Virginia	X	0	-	-	-	-	-
Washington	-	-	X (Interdistrict/Mandatory)	-	X	-	X (Comprehensive)

State	Charter School Law[1]	Number of Charter Schools[2]	Open Enrollment Law[3]	Public Voucher Law[4]	Privately-Funded Voucher Program[5]	Income Tax Credit/ Income Tax Deduction[6]	Postsecondary Enrollment Options
West Virginia	-	-	-	-	-	-	-
Wisconsin	X	28	X (Interdistrict/Mandatory)	X[21]	X	-	X (Comprehensive)
Wyoming	X	0	-	-	-	-	-

NOTES

1 States with charter school laws as of October 1998.

2 Number of charter schools in operation or approved to open in each state as of September 15, 1998. The total number is 1,286. [Source: The Center For Education Reform]

3 States with open enrollment laws as of October 1998.

4 States with public voucher laws as of October 1998.

5 States with privately-funded voucher programs in operation as of October 1998. Many of these privately-funded voucher programs are administered by either the Children's Educational Opportunity (CEO) Foundation or the Children's Scholarship Fund [Source: The Heritage Foundation].

6 States that provide for income tax credits and/or income tax deductions for various education-related expenses as of October 1998.

7 States that allow secondary school students to enroll in postsecondary courses and apply course credit at the secondary school, a postsecondary institution or both as of October 1998.

8 Arizona law permits special education students and students designated as "unable to profit from public schools" to use state funding to attend private schools.

9 Arizona law allows residents to claim an income tax credit of $500 for their donations to charitable organizations providing scholarships to children to attend private or religious school. The law also allows residents to claim an income tax credit for up to $200 of activity fees at Arizona public schools.

10 Indiana law allows a parent (or student after the age of 18) to request a transfer to another school district if the student may be better accommodated in the transferee school district. Both the sending and the receiving district must agree to the transfer.

11 Iowa law allows secondary school students to enroll in postsecondary classes at minimal or no cost, but the course credit may only be applied at the high school.

12 If no public school exists to serve secondary school students, Maine allows districts to send students to private schools and pay their tuition. This program is being challenged in court. Both a Maine Superior Court judge and a U.S. District Court judge, in two different cases, recently ruled that the state's exclusion of religious schools from the program is not discriminatory. The plaintiffs in each case plan to appeal these rulings to higher courts.
Rural areas in Maine that lack public schools provide aid for students to attend nonreligious private schools.

13 In addition to its voluntary interdistrict open enrollment program, Massachusetts also requires certain districts (e.g., Boston, Cambridge) to establish an intradistrict open enrollment program.

14 Minnesota law permits a refundable tax credit of up to $1,000 per student or $2,000 per family for families with incomes under $33,500. Eligible education expenses include textbooks, transportation, up to $200 of the cost of computer hardware and education software, summer camps and summer school. It does cover the cost of tuition.

15 Minnesota law permits families to take a tax deduction for school expenses, even if their children attend a private or parochial school. The tax deduction ranges from $1,625 per child in kindergarten through 6th grades to $2,500 per child in 7th through 12th grades. Deductible expenses include tuition, textbooks, transportation, academic summer camps, summer school and up to $200 of the cost of a personal computer and education software.

16 New York law permits a voluntary interdistrict urban-suburban transfer program to reduce racial isolation.

17 In 1995, Ohio policymakers created a pilot scholarship/voucher program in Cleveland. In 1996 (the program's first year), parents of 2,000 K-3 Cleveland students were eligible for vouchers of up to $2,500 for tuition at a private, public or religious school of their choice. In 1997, the program was expanded to 3,000 K-4 students and, in 1998, to 4,000 K-4 students. Once a student enrolls in the program, he or she may remain in it through the 8th grade. In 1997, an Ohio appeals court ruled the program violates state and federal constitutional bans on government aid to religious institutions. This ruling was appealed to the Ohio Supreme Court, which is allowing the program to continue while it reviews the appeals court decision.

18 The number of charter schools in Puerto Rico was not available.

19 In 1995, Puerto Rico policymakers established the "Educational Foundation for the Free Selection of Schools, Inc." a nonprofit corporation which provides financial aid for elementary and high school students in public or private schools. The program includes the following provisions: the annual income of a student's family cannot exceed $18,000; the amount of education financial aid shall not exceed $1,500 per student; the funds necessary to provide the aid come from donations by individuals or private institutions; individual and institutional donors are eligible for a tax credit for their donations to the Educational Foundation, the amount of the credit cannot exceed $250 for individual taxpayers or $500 for corporations and partnerships; the amount of donations in excess of the credit can be used as a tax deduction; and participating schools must be licensed by the General Council of Education and have an admission policy free of discrimination.

20 Vermont students who reside in towns without public schools may attend public or approved independent private secondary schools selected by their parents and located either within or outside of Vermont. Their hometown school board must pay the full tuition charged by a public school, but private schools receive only an amount equal to the average tuition charged by the state's high school districts. If a selected private school charges more than this amount for tuition, the school district may pay the greater amount, but it is not required to do so. If the school district chooses to pay the lesser of the two amounts, parents must cover the difference. This program is being challenged in court. In fact, the Vermont Supreme Court soon will rule on the Town of Chittenden's efforts to allow high school students to use vouchers to attend religious schools.

21 Wisconsin policymakers approved the Milwaukee Parental Choice Program in 1990, and last amended it in 1995. As of this fall, approximately 6,000 students are attending private schools through the program. The amount of the voucher is the lesser of two numbers: either a nonpublic school's operating costs (or tuition) or the state's per-pupil schools aid to Milwaukee Public School (MPS) (state per-pupil aid to MPS in 1995-96 was about $3,600). Various groups challenged the constitutionality of the expanded program. In 1997, the Wisconsin Supreme Court blocked the expansion pending its ruling, but later was deadlocked and sent the case back to district court, where it was ruled unconstitutional. In June 1998, the Wisconsin Supreme Court ruled on appeal that the program was constitutional. Now the U.S. Supreme Court is being asked (by both opponents and supporters) to review the decision. If the court grants their request, a ruling may be issued by June 1999. For now, the expanded program continues to operate.

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A National Perspective on Tuition Tax Credits (with a Colorado Focus) — 1998

Update: The Colorado Ballot initiative failed - 41% for, 59% against.

I. INTRODUCTION

Parental choice of schools is one of today's more controversial public education issues. The term "choice" encompasses a range of options, including interdistrict and intradistrict transfer programs, charter schools, magnet schools, postsecondary enrollment options, tax credits, tax deductions and vouchers. Probably the most contentious of these choice options is the use of public money in private and parochial schools, usually through a tax credit, tax deduction or voucher. In a notable trend, recent survey data show that public opposition to taxpayer support for private or religious education has dwindled over the past few years. In fact, a 1998 Gallup poll found that a majority of all adults, for the first time, would support partial government payment of tuition at private or parochial schools.

In November, Colorado citizens will vote on an "educational opportunity tax credit" constitutional amendment. If approved, this amendment may reduce the amount of state income taxes that parents of school-age children owe, whether those children are in a public, private sectarian, private nonsectarian or home school setting. Although the Education Commission of the States (ECS) does not take formal positions on issues such as tax credits, tax deductions or vouchers, it supports continued scrutiny of these issues. This policy brief provides such scrutiny by defining the terms of the debate, supplying state examples, examining Colorado's proposed amendment, presenting the pros and cons of these types of programs and asking key questions. This paper does not discuss the nonprofit organizations that are privately funding vouchers for low-income students.

II. DEFINITIONS

- A tax credit provides direct reductions to an individual's tax liability. For example, Jack owes $1,000 in income taxes. He is eligible, however, for a given state's $500 tax credit. He subtracts the $500 tax credit from the $1,000 tax liability, and now owes $500 in income taxes.

- A tax deduction is a reduction in taxable income made prior to the calculation of tax liability. For instance, Jill has a taxable income of $100,000. She, however, is eligible for a given state's $1,500 tax deduction. She subtracts the $1,500 from her income of $100,000, and now has $98,500 in taxable income.

- A voucher is a payment the government makes to a parent, or an institution on a parent's behalf, to be used for a child's education expenses.

III. STATE EXAMPLES

As of September 1998, the following states and territories have either tax credit, tax deduction or voucher programs: Iowa, Arizona, Minnesota, Ohio, Wisconsin and Puerto Rico. In addition, Vermont and Maine have long-standing variants of a voucher program. Several other states have recently presented legislative proposals to provide tax breaks for K-12

education costs, although these efforts have faltered. Voucher bills also have been regularly offered in many legislatures but have not passed. No state ballot initiative concerning tax credits, tax deductions or vouchers has passed to date.

***Iowa** (enacted in 1987; last amended in 1997)*

Under the original law, parents could claim a tax deduction equal to 5% of the first $1,000 they paid to an eligible education provider for each dependent in grades K-12. An eligible education provider was "any elementary or secondary school situated in Iowa that is accredited or approved under Iowa law, which is not operated for profit, and which adheres to the provisions of the federal Civil Rights Act of 1964 and Chapter 216." Acceptable expenses were tuition and textbooks for each child (excluding the costs of religious materials and extracurricular activities). Taxpayers who did not itemize their deductions could take the benefit in the form of a tax credit equal to 5% of the first $1,000 paid for each dependent. Neither the deduction nor the credit applied to taxpayers (single or joint) whose net income was more than $45,000.

In 1997, Iowa policymakers revised the law to allow a tax credit of $250 (or 25% of the first $1,000), remove the $45,000 income limit and allow public school extracurricular activity costs to be included as an acceptable expense.

This program was challenged and upheld in court. In 1992, a U.S. District Court judge ruled the tax deductions and credits for parents who send their children to private schools do not violate the U.S. Constitution's ban on government establishment of religion. The law, the court said, "does not create any kind of direct aid to parochial schools, nor does it create any kind of relationship between the state government and the parochial schools. The sole relationship is between the state and its taxpayers."

***Arizona** (enacted in 1997)*

In 1997, the Arizona legislature established two nonrefundable individual income tax credits. Beginning in tax year 1998:

- Taxpayers may claim a tax credit of up to $500 for a cash contribution of up to $500 to a nonprofit organization that distributes scholarships or tuition grants to private and parochial schools which do not discriminate on the basis of several characteristics. This contribution cannot directly benefit the taxpayer's own child.

- Taxpayers may claim a tax credit of up to $200 as reimbursement for fees paid to a public school for extracurricular activities (i.e., school-sponsored activities that require enrolled students to pay a fee to participate, including fees for band uniforms or equipment, uniforms for varsity athletic activities and scientific laboratory materials).

IF the amount of the tax credit exceeds the amount of tax liability, THEN the taxpayer may carry the unused amount forward for up to five consecutive taxable years. For example, John makes a cash contribution of $500 to an eligible nonprofit organization and is thus eligible for a $500 income tax credit. Because he owes only $300 in income taxes in 1998, he may carry the remaining $200 forward until 2003 to offset his future income tax liability.

Arizona's tax credit program is under review by the Arizona Supreme Court. Opponents of the program assert that it violates state and federal constitutional restrictions on the relationship between the government and the church.

***Minnesota** (enacted in 1955; major amendments enacted in 1985, last amended in 1997)*

Under the original law, Minnesota provided a $200 tax deduction for the costs of tuition and transportation for each dependent child attending an "eligible" elementary or secondary school in Minnesota, North Dakota, South Dakota, Iowa or Wisconsin. An eligible school met state compulsory attendance requirements, was nonprofit and adhered to the provisions of the Civil Rights Act of 1964 and Chapter 363. The tax deduction was available only to persons who itemized deductions on their federal income tax form.

Over the years, Minnesota lawmakers enacted a variety of changes to the 1955 law. For example, in 1985, Minnesota changed the 1955 law to provide a tax deduction of $650 for an elementary (grades K-6) school student and $1,000 for a secondary (grades 7-12) school student for the costs of tuition, textbooks and transportation.

In 1997, the legislature enacted the K-12 Education Finance bill in a special session held at the governor's insistence. Among other things, this bill did the following:

- Increased and expanded the original tax deduction to a maximum of $1,625 for an elementary school student and $2,500 for a secondary school student. The deduction is now available for tuition, textbooks, transportation, academic summer camps, summer school and up to $200 of the cost of a personal computer and education software. In addition, the deduction became available to persons who do not itemize deductions on their federal income tax form.

- Created a refundable tax credit of up to $1,000 per student or $2,000 per family for families with incomes under $33,500. The credit is available for the same education expenses as the deduction (textbooks, transportation, up to $200 of the cost of computer hardware and education software, summer camps and summer school), except that it does not cover tuition. If a family owes no taxes or owes less than the amount of the credit, they receive the difference as a refund. Expenses that exceed the credit amount may be used for the deduction.

The estimated cost of this package is $80 million for tax year 1998. Expansion of the deduction is estimated to cost $14.5 million and creation of the credit $38.5 million.

Minnesota's original tax deduction program was challenged and upheld in court. In 1983, the U.S. Supreme Court ruled the program was constitutional. According to the court, the program had: the secular purposes of ensuring that Minnesota's citizenry is well-educated and that private schools' (both sectarian and nonsectarian) financial health remains sound; did not primarily advance sectarian aims of nonpublic schools; and did not "excessively entangle" the state in religion.

***Ohio** (enacted in 1995)*

In 1995, Ohio policymakers created a pilot scholarship/voucher program in Cleveland. The program includes the following provisions:

- Students whose family income is below 200% of the maximum level established by the state superintendent of public instruction for low-income families receive vouchers worth 90% of the scholarship amount. Students whose family income is at or above 200% of that level receive vouchers worth 75% of the scholarship amount.

- Participating nonpublic schools must register with the state superintendent of public instruction and admit students based on a set of legislatively established priorities.

- No more than 25% of the scholarships can be awarded to students enrolled in a nonpublic school at the time they apply for a scholarship.

In 1996 (the program's first year), parents of 2,000 K-3 Cleveland students were eligible for vouchers of up to $2,500 for tuition at a private, public or religious school of their choice. In 1997, the program was expanded to 3,000 K-4 students and, in 1998, to 4,000 K-4 students. Once a student enrolls in the program, he or she may remain in it through the 8th grade.

In 1997, an Ohio appeals court ruled the program violates state and federal constitutional bans on government aid to religious institutions. This ruling was appealed to the Ohio Supreme Court, which is allowing the program to continue while it reviews the appeals court ruling.

***Wisconsin** (enacted in 1990; last amended in 1995)*

Wisconsin policymakers approved the Milwaukee Parental Choice Program in 1990 and last amended it in 1995. The program includes the following provisions:

- At state expense, students may attend any private or parochial school in Milwaukee if their family income is not greater than 1.75 times the poverty level and if they meet certain enrollment requirements (e.g., during the previous school year, they were enrolled either in the Milwaukee Public Schools (MPS), in a private school in Milwaukee, in grades K-3 in a private school outside of Milwaukee or were not enrolled in school).

- Participating private schools must notify the state of their intention to participate in the program, comply with certain laws and meet at least one of four legislatively established performance standards.

- No more than 15% of the school district's enrollment may attend private schools in any school year, and no more than 49% of a private school's enrollment may consist of students receiving vouchers.

As of fall 1998, approximately 6,000 Milwaukee students were attending private schools through the program. The amount of the voucher they receive is the lesser of two numbers: the nonpublic school's operating costs (or tuition) or the state's per-pupil aid to MPS (about $3,600 in 1995-96).

Various groups challenged the constitutionality of the expanded program. In 1997, the Wisconsin Supreme Court blocked the expansion pending its ruling, but later deadlocked and sent the case back to district court, where the program was ruled unconstitutional. In June 1998, the Wisconsin Supreme Court ruled on appeal that the program is constitutional. Now the U.S. Supreme Court is being asked (by both opponents and supporters) to review the decision. If it grants their request, a ruling may be issued by June 1999. For now, the expanded program continues to operate.

Puerto Rico *(enacted in 1993; last amended in 1995)*

In 1993, Puerto Rico policymakers enacted a pilot voucher program. The $10 million project enabled parents with annual incomes of less than $18,000 to receive vouchers for up to $1,500 toward tuition at the public or private school of their choice, including religious schools.

In 1994, the Puerto Rico Supreme Court ruled the pilot voucher program was unconstitutional. Because the decision was based solely on Puerto Rico's constitution, the case has not been appealed to the U.S. Supreme Court. The program continues to operate, but students can move only to other public schools, meaning the voucher program has become the equivalent of other public school open-enrollment programs.

In 1995, Puerto Rico policymakers established the "Educational Foundation for the Free Selection of Schools, Inc." a nonprofit corporation which provides financial aid for elementary and high school students in public or private schools. The program includes the following provisions:

- The annual income of a student's family cannot exceed $18,000.
- The amount of education financial aid shall not exceed $1,500 per student.
- The funds necessary to provide the aid come from donations by individuals or private institutions.
- Individual and institutional donors are eligible for a tax credit for their donations to the Educational Foundation. The amount of the credit cannot exceed $250 for individual taxpayers or $500 for corporations and partnerships. The amount of donations in excess of the credit can be used as a tax deduction.
- Participating schools must be licensed by the General Council of Education and have an admission policy free of discrimination.

Vermont and Maine

If no public school exists to serve secondary school students, Vermont and Maine allow districts to send students to private schools and pay their tuition.

Both programs are being challenged in court. In Vermont, the State Supreme Court soon will rule on the Town of Chittenden's efforts to allow high school students to use vouchers to attend religious schools. In Maine, both a Maine Superior Court judge and a U.S. District Court judge, in two different cases, recently ruled that the state's exclusion of religious schools from the program is not discriminatory. The plaintiffs in each Maine case plan to appeal these rulings to higher courts.

IV. COLORADO EDUCATIONAL OPPORTUNITY TAX CREDIT INITIATIVE

In November 1998, Colorado citizens will vote on an "educational opportunity tax credits" constitutional amendment. The measure would create a refundable state income tax credit for education expenses incurred by parents of school-aged children, regardless of the setting — public, private sectarian, private nonsectarian, home. If the amendment passes, the tax credits will become available in the 1999 tax year.

Who is eligible for the tax credit?

Parents of children enrolled in a public, private sectarian, private nonsectarian or home school setting are eligible for the tax credit. If there is insufficient money for all eligible parents to receive the tax credit, the ballot measure prioritizes eligibility as shown in the table below. All parents in the former groups must be paid before any of the parents in the latter groups.

Priority	Group
1	Parents of students who transfer to a private school from a public school district that scores below the state average on state assessments, and parents of special-needs students
2	All other public school students who transfer to a private school
3	Low-income parents of students in private schools
4	All other parents of students already attending private schools
5	Parents of students who choose to remain in public schools and parents of children who are taught at home

What is the amount of the tax credit?

The Colorado legislature is directed to set the amount of the tax credit within certain guidelines, and can vary the amount for different groups. The amount of the tax credit depends on the type of student, as shown in the table on the next page.

Type of Student	Amount of the Tax Credit
Regular student in private sectarian, private nonsectarian or home school	The amount of the tax credit will be established by law and cannot be less than: • 50% of the yearly state average public school expenditure per student for all purposes by the state and local boards in the prior complete school year or • 80% of the cost of tuition paid in the applicable tax year plus other education expenses. In its analysis of the proposed amendment, the Colorado Legislative Council assumes the annual per-student expenditure specified above includes both operational and capital expenses and is approximately $7,200. Thus, 50% of this expenditure is about $3,600. It is difficult to determine 80% of the cost of tuition for private schools. However, the Legislative Council reports that, based on testimony on the proposed amendment, private school tuition can be as low as $2,100. The lesser of these two amounts only establishes the minimum amount of the tax credit. The legislature may establish a higher amount. Parents of home-schooled children may use the tax credit only for curricular materials and educational supplies.
Special-needs student in private sectarian or private nonsectarian school	The amount of the tax credit will be determined by the legislature and must recognize the higher cost of education for special-needs students.
Student in public school	The maximum amount available will be determined by law.

How will the state pay for the tax credits?

To pay for the tax credit, the proposed amendment requires the legislature to determine the amount of savings derived from students leaving public schools. The state must set this amount aside in an "Educational Opportunity Fund," which will be used to reimburse the state for the decrease in tax revenues and to give parents a refund if the amount of the tax credit exceeds the amount of their tax liability. The state cannot reduce public school per-pupil funding levels or increase total state or district expenditures to pay for the tax credit. In addition, the state is prohibited from using the measure to increase regulations on private schools.

How does Colorado's proposed amendment compare to other state tax credit, tax deduction and voucher programs?

Colorado's proposed amendment is closest in intent and structure to Minnesota's program. It does not, however, specify program logistics, as does Minnesota. Like the Ohio and Wisconsin programs, the Colorado amendment targets students in low-performing districts as a first priority. Unlike these programs, though, it does not place the highest priority on low-income students within low-performing districts.

Like the Arizona, Iowa, Ohio and Wisconsin programs, the Colorado plan allows students to attend religious schools. Unlike the Arizona tax credit program yet similar to the others, it also allows parents to benefit directly.

If the amendment passes, Colorado will become the first state to amend its constitution through a ballot initiative that allows a tax credit for students to attend private and parochial schools. In addition, it probably will join the other states in having the measure challenged in court.

V. PROS AND CONS OF TAX CREDITS, TAX DEDUCTION AND VOUCHERS

Pros

Proponents argue Colorado's proposed amendment, and tax credits, tax deductions and vouchers in general, will do the following:

- *Lower taxes for parents of school-age children, letting them keep more of their own money to spend as they see fit.* Colorado's proposed amendment may reduce the amount of state income taxes that parents of school-age children owe, regardless of the setting (public, private sectarian, private nonsectarian, home). Parents who owe no taxes or owe less than the amount of the tax credit will receive a check for the difference, thus allowing even the poorest families to benefit.

- *Enable more families to take advantage of a wide range of education opportunities.* Currently, only relatively wealthy families can afford to send their children to private schools. Less-advantaged families who want to enroll their children in such schools often must make a considerable financial sacrifice. Tax credits, tax deductions and vouchers make private schools more affordable for these families, providing them with a greater number of education opportunities. In the Colorado proposal, families in the lowest-performing districts, arguably those most in need of alternatives, have highest priority for the tax credit.

- *Provide a direct benefit to each taxpayer with a child in school.* Currently, parents with children in private schools pay taxes to support public schools but receive no direct benefit. With tax credits, tax deductions and vouchers, parents may use their tax dollars to benefit their own child's education.

- *Improve public schools through competition.* This argument is drawn directly from free-market economics, which stresses the benefits of market competition. Under this view, tax credits, tax deductions and vouchers will encourage competition between public and private schools and force the public schools to improve to retain their students.

- *Financially strengthen the private-school sector.* An increase in private school enrollment will increase the flow of revenues into private schools, allowing financially struggling private schools to remain open. An increase in demand for private education also could lead to the establishment of new private schools, both sectarian and nonsectarian.

Cons

Opponents maintain Colorado's proposed amendment, and tax credits, tax deductions and vouchers in general, will do the following:

- *Help wealthy families more than low-income families.* Colorado's proposed amendment targets low-income parents only in the third level of priority — those low-income families who already have their children in nonpublic schools. In addition, it requires families to pay the private school tuition before they are reimbursed (via the tax credit) on their next tax return — a requirement low-income families may be unable to meet. Low-income families also may not be able to afford transportation to and from private schools. In addition, the tax credit may not cover the full cost of private school tuition or may provide only limited options of low-tuition schools. Also, if the supply of private schools is insufficient, existing tuitions may increase, further limiting the options for lower-income students.

- *Divert dollars from publicly accountable schools to private schools.* Public schools are required to maintain accountability with their taxpayers through a variety of measures, such as elections and open-meeting laws. Among other things, these measures allow taxpayers to know how their schools spend public dollars and what results their schools produce with these dollars. Within the private school setting, such safeguards do not exist. If funds go to private schools, taxpayers lose their right to know how public dollars are spent and what results these dollars produce.

- *Lower the quality of public education by easing the departure of students and families who are most informed about education choices.* Students who most often take advantage of public school choices tend to be from better-educated families. This trend may continue and could increasingly segregate the public and private schools along socioeconomic lines.

- *Increase the state's involvement in religious matters.* Through the implementation of Colorado's proposed amendment, the state may inappropriately endorse one religion over another, and unduly cross the tenuous line within both state constitutions' and the U.S. Constitution's separation of church and state.

- *Increase the state's involvement in personal matters.* The implementation of Colorado's proposed amendment may result in the state keeping track of every child in Colorado. To calculate the credit, the state will need to know where each student goes when they leave public school, whether the public school a student leaves is in a low performing district and the cost of private school tuition that a family is paying.

VI. QUESTIONS

In evaluating tax credit, tax deduction and voucher programs, state policymakers, educators and citizens may want to consider the following questions:

- *How much will the program cost?*
  It is difficult to estimate the total cost of these programs because the total number of families (within both public and private schools) that will take advantage of this opportunity is unknown. Whatever the total cost of the program, the source of its funding needs to be defined clearly.

- *How will parents respond to the program, and how will their responses affect student enrollment?*
  Each parent's decision will hinge on a variety of factors, such as his or her knowledge about the available choices. Predictions of how many students will leave public schools are inconsistent and most likely only educated guesses. No one knows how many families are sufficiently discouraged with the public schools to enroll in a private school, if given the opportunity. Unless the amount of the tax credit, tax deduction or voucher is high relative to the average cost of attending a private school, these programs are unlikely to stimulate much movement of children from public to private schools. Also, parents who want to switch schools through the program will be unsuccessful if the necessary spaces in private schools are unavailable.

- *How will institutions respond to the program?*
  The impact of these options on public and private institutions is unknown. If public school staffs believe parents might send their children elsewhere, they may work harder to accommodate parent expectations. In the private setting, schools may raise tuition, thus nullifying any benefit to parents. In addition, tax credits, tax deductions and vouchers may affect the degree to which private schools are self-regulated or state-regulated.

- *How does the program affect the relationship between church and state?*
  There is continuing debate about the appropriate links between government and religion, particularly within education. To determine any initiative or law's constitutionality, it must first be examined in light of individual state constitutions and then the U.S. Constitution. The current U.S. Supreme Court test for determining the constitutionality of state assistance to private schools was established in 1971 in *Lemon v. Kurtzman*. In that case, the court ruled that for a government program to be constitutional, it must have a secular purpose, have a primary effect that neither advances nor inhibits religion, and must not lead to excessive entanglement between church and state. Past U.S. Supreme Court rulings have held certain tax credits and tax deductions programs as constitutional and certain voucher programs as unconstitutional.

Colorado's proposed amendment is vague on many important details. The following questions address those issues and other uncertain aspects of the amendment:

- How will the legislature define "savings"?
- Will every parent, regardless of school setting (i.e., public, private sectarian, private nonsectarian, home), receive the same benefit?
- How many nonpublic schools have open seats, and are those available in urban, suburban and rural areas?
- Will nonpublic schools be allowed to deny admission to a student because of discipline problems?
- Who will determine whether nonpublic schools are failing to admit lower-achieving students? If they do fail to admit such students, how will it be handled?
- Do Colorado's nonpublic schools favor the initiative? Which ones favor the initiative? Which ones do not?
- How will racial-balance issues be handled?
- Who will administer the program? Where will the funds for the administration of the program come from?
- How will the state verify each taxpayer request? What if grandparents, parents or other relatives submit a request for the same student? Who will check for such duplication? Will this cause the state to create a uniform student identification system?
- Once a student receives a tax credit, how does it affect his or her priority status for the following year?
- Will the legislature hammer out the vague details in a way that is acceptable to voters?
- What impact would the addition of a new amendment have on the Colorado Constitution?
- If a court challenge occurs, what is the potential cost to the taxpayer?
- If the initiative fails, what choice options are available to those families who live in low-performing districts yet cannot afford private schools?

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This paper was compiled by Todd Ziebarth, policy analyst and Kathy Christie, Information Clearinghouse director.

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DESEGREGATION POLICY ACROSS THE NATION: PRACTICES AND QUESTIONS

ECS Information Clearinghouse
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HOW MUCH PROGRESS HAVE WE MADE?

The desegregation of American public schools began with *Brown v. Board of Education* in 1954, becoming a concern in urban areas nationally with the Supreme Court's Charlotte, North Carolina busing ruling, *Swann v. Charlotte-Mecklenberg Board of Education* (1971).[1] Debate over the issue continues today, with "[a]s many as 750 local school districts...covered by OCR [Office for Civil Rights] desegregation plans--most of them negotiated more than two decades ago."[2] Although a number of urban districts have been released from their desegregation orders in this decade, many districts still struggle to meet court-outlined standards, while some critics claim that too many schools freed from judicial oversight have not attained desegregation and are, in fact, in the process of resegregating. Others believe that the solution to equal opportunity for children of all races lies not in desegregation at all, but in a reevaluation of the education process in troubled schools. Research thus far suggests that there is no foolproof method to attain desegregated schools. In this report we will, however:

- Outline what legal standards districts must meet to be recognized as "unified" (desegregated);
- Name some districts which are currently unified as well as others seeking unified status;
- Note the means by which currently unified districts attained their goal and what those not yet identified as unified are doing;
- Offer some of the claims of those arguing that schools are resegregating; and
- Identify one approach to ending the cycle of segregation and desegregation.

WHAT IS A "UNIFIED" DISTRICT?

A "unified" district is one which a court has deemed desegregated. For a district to be free of judicial oversight in a desegregation order, it must prove that it has achieved a certain degree of racial equality in six categories, called the *Green* factors, after the 1968 Supreme Court suit in which they were first set forward.[3] They are commonly referred to as: "(1) student assignment to schools, (2) teacher and administrator assignment, (3) transportation, (4) physical facilities, (5) resource and staff allocation, and (6) extracurricular activities."[4] A district can also be granted partial unitary status, which means that court oversight is removed from a judicially approved area, if it meets three criteria--

- (1) "compliance with at least one Green factor for 'a period of time' "
- (2) proven "indications that retention of jurisdiction is necessary to ensure compliance with other factors", and

- (3) demonstration by the board of education "--to the public and to black students and parents of the once-disfavored race--its good faith commitment to the whole of the court's decree and to the law and constitutional provisions underlying that decree." [5]

Among the districts which have been released from desegregation orders are Oklahoma City; Mobile, AL; "Buffalo, NY; Broward County, FL; DeKalb County, GA; Denver, CO;...Wilmington, DE,"[6] Boston, MA; Chattanooga, TN; ...Fort Worth and Houston, TX; Muskogee County, GA; Norfolk, VA; Phoenix, AZ [Elementary School District Number 1--Phoenix Union High School District is still under court oversight]; and Savannah, GA.[7] The federal judge overseeing the Cleveland, OH desegregation case declared the Ohio district's system "unitary" in a March 27, 1998 ruling ending the 25-year suit.[8] Dallas, TX's attempt to end judicial oversight was delayed in June 1997 pending more district evidence of equality;[9] as of July 1998, they were still under court order. However, Ms. Karen Johnson, the attorney handling the case for the Dallas district, states that "everything is clear for" the judge to decide whether the suit should be dismissed or not. District officials are hoping for a conclusion to the case as early as fall 1998.[10] The parties at odds in the Prince George County, MD desegregation case indicated in late March 1998 that the end of their desegregation case may be near.[11]

In the summer of 1996, the Kansas City, MO school board agreed to allow the state to pursue termination of its now 20-year-old desegregation order.[12] According to Sheri LaPage of the Missouri Department of Education, an agreement that would end the suit was approved by the district court in March 1997, signed by the school board, the state, and the teachers' union, and affirmed by the Eighth Circuit Court in August 1997. Although the plaintiffs have not signed the agreement as of this writing, the state has been able to implement the phasing out (over three years) of funds earmarked for desegregation measures for Kansas City, retroactive to the start of the 1996-97 school year. Decisions on the districts of Duval County, FL, and St. Louis, MO,[13]are pending.

WHAT SOLUTIONS DID CURRENTLY "UNIFIED" DISTRICTS FIND?

Busing

- In 1991, Oklahoma City became the first district in America to be released from its court order to bus students, after district administrators presented evidence that community schools would not bring about "racial disparity."[14] In fact, it is difficult to find an example of a district, either now unified or working towards a desegregated environment, that has not used busing as a means of ending "separate but equal" schools.
- In Wilmington, DE, children were bused from the city to outlying suburbs for 9 years and from the suburbs to the urban center for three years.[15]
- A 1996 ruling ended Cleveland's 18-year practice of busing students across town.[16]
- Denver likewise bused for 22 years.[17]

Magnets

- Denver's approach towards providing an equal education to disadvantaged children also included creating "highly gifted" programs in seven elementary schools (all data is as of August 96); two charter schools; six magnet schools, among them an academy focused on teaching the fundamentals; a preparatory school; and an extended elementary day school that offers before- and after-school programs in such disciplines as yoga, dance, theater, architecture, music, poetry, visual arts, and pottery. Three non-magnet schools, referred to as "special programs," also provide unique opportunities: "multi-age classrooms and self-directed learning," "large computer and science labs and...intensive hands-on experience;" the Smith Renaissance Academy offers an "emphasis...on 'sensory learning.' "[18]
- Mobile, Alabama, which was released from its desegregation order in March 1997, created magnet schools under its 34 years of court supervision,[19] and spent $18 million to renovate and construct facilities.[20]

WHAT ARE NOT-YET UNIFIED DISTRICTS DOING?

Busing

More numerous are those districts still operating under desegregation orders. Of course, busing plays a role in many of them, including Indianapolis, whose appeal for discontinuation of their 16-year-old busing order was denied in March 1997. In fact, the judge overseeing the case stated that, since "the transfer areas are integrated into their respective townships," the busing order now in place would have to remain intact to maintain a balance of races if the district were given unitary status.[21]

Unique among other integration orders nationwide is the provision that matches certain areas of Indianapolis to particular suburban schools, as well as the absence of permission "for suburban students to attend city schools if they choose".[22] In March 1997, the district proposed a plan, later approved, that grouped the 85 Indianapolis schools into five " 'feeder patterns,' " with one high school in each pattern.[23]

Magnet schools

- Kansas City, Missouri, has included busing in its desegregation program, as well as magnet schools. As of July 1996, "all secondary and a majority of the elementary schools" in the district operated as such.[24]
- Both the daily busing of 14,000 students and the establishment of magnet programs have been components of the Hillsborough County (Tampa), FL plan to effect racial integration.[25]
- The schools of Prince George's County, MD, have an "extensive network" of "voluntary magnet program[s]."[26]
- St. Louis, MO responded to a 1979 desegregation order with a five-point plan that included building several magnet schools and increasing the district's magnet school capacity to 14,000 students. As of September 27, 1995 they were serving 1,399 suburban transfer students as well. The schools range from early childhood centers to Montessori and in approaches from fine arts and athletic to military academies.[27]

Even more magnet schools are in the works. A Minnesota education funding bill enacted in June 1994 provided two million dollars towards the foundation of urban magnet schools, as well as a bonding bill providing 20 million dollars (part of the expense of two buildings to house magnet programs) to be shared among school systems putting desegregation/integration plans into effect and districts adjacent to those undergoing desegregation.[28] The Connecticut state legislature passed to the governor an approved package June 4, 1997. The bill dictates the creation of charter schools and magnet programs in urban districts in the state.[29] These " 'lighthouse schools' " in Bridgeport, New Haven, and Hartford will receive state funds to provide "special curricula designed to attract students from more than one district."[30]

However, magnet schools are not without their problems. In April 1997, two white students in the Houston school system brought charges against the district that they were not accepted into "a magnet program for the gifted" because of limitations on the number of majority students admissible.[31] (According to a 1984 policy, no more than 35 percent of the seats in the magnet schools of the 209,000-pupil district can be taken by members of ethnic groups other than African-American and Latino.) Similarly, a white student claimed in 1996 that he was refused admission to the elite Boston Latin School although his scores in the admissions exams were higher than those of blacks and Latinos who were accepted.[32] A similar suit filed by a party of Chinese-Americans in San Francisco charged that they were not admitted to Lowell High School on the basis of their race. Their charges brought about changes in district policy, although the case has not yet been settled.[33]

Choice

School choice or voluntary attendance programs involve both magnet schools and those applying more traditional approaches.

- A 1996 Michigan state law permits students to select "a public school in any participating district within their intermediate school district. Such districts roughly follow county borders."[34]
- A 12-year program in Madison, Wisconsin (terminated in 1996) permitted two schools--one in a primarily white community, the other in a mostly minority community--to accept students from beyond their attendance boundaries.[35] (The program was discontinued because white families withdrew from the schools, leaving minority enrollments at both schools at 60 percent, while the district has a 30 percent minority population.)[36]
- The June 4, 1997 Connecticut state legislative measure that called for the creation of charter and magnet schools additionally approved a perhaps 90 million dollar step that would allow students to transfer to any public school in the state. The program would make available "grants of up to $50,000 to design--and $100,000 to administer--new interdistrict transfer programs."[37] Districts will receive a maximum of $2,000 for every transfer student accepted, and an additional $1,000 towards transportation expenses.[38] The program will supplement the 1966 voluntary transfer program Hartford already has in place, sending approximately 600 of its 25,000 pupils to adjacent districts.[39] " "Within three years from now, we'll have a full-fledged, statewide interdistrict program,' said Sen. Thomas P. Gaffey, the Democrat who chairs the joint education committee.[40]

Yet another approach is Clarke County, Georgia's "controlled choice" plan, approved in March 1995 as an improvement over the former busing system, which had been banned by federal officials because it "[placed] most of its transportation-related burdens on black students."[41] The new plan asks parents to choose a school. This choice is given to

a computer, which assigns pupils on the basis of "parent preference, available space, and a requirement that all schools have black enrollments near the district average of 54 percent."[42]

Despite their attractive combination of student choice and racial blending, voluntary transfer programs are not without problems. In 1996, the Akron, Ohio school district's decision to permit black students to transfer to neighboring suburban districts while disallowing white students in the urban district to do so resulted in a suit from a group of parents. The action resulted in an August 1996 judicial order to allow white students in Akron to transfer as well; the 48.5 percent nonwhite district reacted by barring all students from transferring to the suburbs, except for those who had already studied there.

Reorganization

Instead of the complications of interdistrict transfers, some districts opt to combine the white and minority students within the boundaries of a new system. Such an approach has been applied in Troup County, Georgia, where three smaller systems with a greater proportion of black students joined the approximately 87 percent white county district from 1986 to 1994, creating a 58 percent white district.[43] To avoid the racial imbalances thus formed within the district, a controlled-choice plan was approved, allowing students to voice their option on which school they would like to attend. The policy allowed students into their new school, however, only if a racial equilibrium would be maintained. This moved both black and white parents to complain against the district, on the grounds that the district can not unconditionally reserve the right to designate student enrollment on racial grounds.[44]

Faculty

Some districts have attempted to create more racially balanced schools by moving faculty. The Saint Louis, MO district's five-point plan includes a teacher transfer component, to provide suburban schools with more African-American teachers.[45] Denver, a unified district, has minority teachers more evenly distributed through the system than was the case 25 years ago, although a reporter notes that three-quarters of the teachers there are white, while only 7.5 percent are black.[46] He adds that "[g]enerally, fewer whites teach at heavily Hispanic schools."[47] A 1994 court order required the Dallas school district to reorganize the racial makeup of each school's staff to reflect the district's overall staff ethnic ratio, "plus or minus 15 percent."[48] (The system's faculty racial makeup is 37 percent African-American, 8 percent Latino, and 50 percent white.)[49] The judge withdrew the requirement in a June 1997 decision, after a unanimous May 30 board move to create faculties of between 25 and 75 percent minority members in each of the district's schools, which would result in the involuntary transferal of roughly 50 of the system's teachers.[50]

Redeuction of student/staff ratios

To offer equal opportunities to students of all races, some districts have approached the question of faculty by the reduction of student/staff ratios. This is underway in Yonkers, New York,[51] as well as in San Francisco;[52] in Saint Louis, elementary classrooms have shrunk to 20 students per teacher, and "instructional coordinators" have been added.[53]

Facility improvement

Districts have also undertaken the construction and renovation of facilities: St. Louis renovated all its schools at a $355 million expense.[54] Yonkers is now in the process of "repairing and renovating school facilities."[55]

Reconstitution

The San Francisco district is, of this writing, operating under a 1982 "court-sanctioned desegregation agreement" that requires "the reconstitution of three schools every year."[56] Reconstitution in San Francisco originally consisted of dismissing every member of a school's staff (including the principal), and rehiring only teachers who would consent to abide by "an eleven-point educational philosophy spelled out in the consent decree."[57] Tenured teachers were permitted to reapply for their positions, and were promised new jobs in the districts if not taken on by their old schools. In reality, the reconstituted schools rehired only a handful of the dismissed teachers, having brought fresh faculty members in from outside the district[58] until the superintendent's June 1997 announcement that he would " 'keep an open mind' " about letting teachers remain at schools undergoing the procedure.[59] The May 1997 agreement signed by the district and the teachers' union allows for a one-year period in which teachers at a school slated for reconstitution could cooperate with system officials to make changes that would hopefully make the extreme measure unnecessary. As of August 1997, the district superintendent did, however, still want to retain the power to "forcibly transfer employees deemed to be impeding progress," a thorn in the side of teachers' union members.[60]

Reconstitution, which has been applied in a small number of districts around the country (among them Houston,)[61] has drawn criticism from district staff. The then-president of the United Educators of San Francisco, the local teachers' union, told an *Education Week* reporter, "There's probably 90 percent agreement that reconstitution is a horror."[62] Reconstitution is, however, not new to the system--it was first utilized in five of San Francisco's lowest-achieving schools in 1984, then replaced by less drastic means in schools which the courts perceived as needing more attention and funding.[63]

Despite its controversial nature, analysts have suggested that reconstitution has improved the quality of education in the schools in which it has taken place. Gary Orfield, a Harvard-based expert on desegregation, led a 1992 court-appointed team which took a close look at schools in the San Francisco system. He and his research group concluded that performance among African-American and Latino students had risen significantly only in those institutions which had undergone reconstitution.[64] After the release of the panel's results, the court's order was modified (in 1992) to make reconstitution a "requirement" for the district, at a rate of three schools per year, until " 'the task is completed,' " which the district superintendent has translated as until "the pattern of underachievement by blacks and Hispanics" has been considerably removed.[65]

The San Francisco teachers' union president, however, countered that the success of schools that underwent reconstitution in the 1980s was not due to the removal of former faculty, but to the drastic change in the composition of the student population, and a requirement that parents promise to support their children in school. She added that, (as of the *Education Week* printing in December 1996), results on standardized tests at schools reconstituted of late did not indicate improvement.[66] In addition, while the superintendent would like to improve the reconstitution procedure and diminish its need in the San Francisco schools, staff would like to see it completely eliminated."[67]

Dual-race policies

Yet another controversial desegregation approach is the dual-race policy, a not unheard-of means in the South which arranges for, among other things, two homecoming queens (one black, one white,) and two or alternating student government office-holders.[68] Hernando High, in the DeSoto County, MS school system, was, however, unique in its observance of a 1970 agreement (until a district policy reversal late October 1997,)[69] that stipulated the appointment of a black and white principal for each of the district's four high schools.[70] When the school board shut down all-black high schools and sent the students to formerly all-white high schools, they put a principal of each heritage in place, instead of firing or demoting African-American school heads, as was done in other localities in the South. While the other three DeSoto secondary schools discontinued the practice of dual principalships, Hernando maintained them.[71]

The two principals stated that their tasks were not portioned out by race, and that the students at Hernando, whose composition is 75 percent white and 25 percent African-American, sustained good relations.[72] Nonetheless, "[s]everal parents filed complaints with the U.S. Department of Education. [and]...[a] larger parents' group [had] begun to pressure the school to change.[73] While the white principal saw the policy as a way to insure "minority participation" in student activities, the black principal, though admitting " '[i]t just worked so well, we never thought to change,' " agreed that " 'we should have gotten rid of it a long time ago.' "[74]

ARE WE RESEGREGATING?

America is still far from desegregating its schools; the Harvard Project on School Desegregation report "Deepening Segregation in American Public Schools" suggests that districts in the Northeast are the most segregated in the nation, with over 50% of African-American students" in Illinois, Michigan, New York, and New Jersey [attending] schools with at least 90 percent black or Latino enrollment."[75]

- The Twin Cities, particularly Minneapolis, have seen an astronomical increase in census tracts "with a greater than 2-1 ratio of black to white preschool children."[76] Whereas in 1980 Minneapolis and Saint Paul each had two such census tracts, by 1990 the numbers had risen to 19 and 4, respectively, including seven tracts in Minneapolis with a ratio of minority students to white over 3-1 "and one at 32-1. St. Paul had one at 19-1."[77]
- Tampa's Hillsborough County, FL district, which in late August 1997 received a lower federal judge's recommendation of release from court oversight, and which is now waiting for final approval from a higher judge, has found opposition in a coalition consisting of the NAACP Legal Defense and Educational Fund and counsel for area African-American pupils opposed to the system's gaining freedom from court oversight.[78] One attorney for the plaintiffs stated the " 'school district is fast returning to a segregated system even with court involvement,' " and the group, from a district of overall 24-percent black enrollment, say that 17 schools have more than 40 percent African-American students, and that one school's student body is 90 percent black.[79]

- In Prince George's County, Maryland, the district was required to bus children to balance race quotas in the schools.[80] However, a four-member, judge-appointed panel stated in early July 1997 that the busing program was "marginally effective" in reducing the problem of segregation in the schools. They also noted that the program was making the situation worse in some places, among them middle schools with more African-American students than the district average. They found that, because of busing, black enrollment increased in these schools by an additional 6 percent.[81]
- Oklahoma City, which in 1991 became the first district in America to be freed of court-mandated busing, was the subject of a 1996 study by a Harvard-based desegregation research group which found that racial segregation in the district had not diminished, but had rather increased, especially among "poor African-American students."[82] The group likewise discovered that the district's claims of improved student performance were dubious, that parents had not become more involved in the schools since the move to neighborhood schools, and that measures that were supposed to guarantee "continued integration" had been disregarded.[83]
- In August 1995, the Wilmington, Delaware school district was released from judicial oversight, in that the judge believed the system had done its utmost to desegregate, despite district African-Americans' flagging performance in "academic achievement, discipline rates, and class placement."[84] The judge further ruled that the lower achievement among the district's black students was due not to unfair practices but to "societal factors beyond the schools' control."[85] The attorneys opposing the district in the suit projected that unless under judicial oversight, the system would not only persist in discriminating against African-American students, but that the Wilmington "districts [would] become more segregated."[86]

Gary Orfield, head of the Harvard Project on School Desegregation, cites numerous cases of resegregation in his group's April 1997 report, "Deepening Segregation in American Public Schools." He views resegregation as a process that has been underway since the 1974 Supreme Court decision *Milliken v. Bradley*, which limited the degree to which central city and suburban areas should transport students in efforts toward desegregation.[87] In a 1995 Supreme Court ruling whose influence might be reflected in the Wilmington decision noted above, the justices determined that "the court-ordered programs designed to make segregated schools more equal educationally and to increase the attractiveness of the schools to accomplish desegregation through voluntary choices were temporary and did not have to work before they could be discontinued."[88]

WHAT IS THE SOLUTION?

A Minnesota report titled "Community Leaders' Views of Desegregation: What Is It For? Does It Work? Should It Be Part of the Future?" by Ruth Anne Olson, Karen Gray and Nora Hall includes interviews with persons of "American Indian, African American, Hispanic, Cambodian, Vietnamese and Chinese heritage."[89] It contains this possible counterpoint to Orfield's war on segregation: "Our interviews clearly suggest that nurturing environments and a sense of belonging and ownership in their schools do not exist for many families. Some say this is the effect of desegregation and busing."[90] However, the sentence following this would support Orfield's views: "Others believe it is evidence of a lack of commitment to implementing the full intent of desegregation..."

Yet the authors continue, "Most of the people we talked with...would firmly say '... Desegregation should not be part of the future--at least not until leadership *demonstrates* a commitment that multicultural understanding and respect will permeate the curriculum and interactions between and among school staff, young people and families."[91]

In a 1995 essay, John Murphy, of the Charlotte-Mecklenberg, NC Schools, cites an observation by the University of Chicago's Douglas Massey and Nancy Denton, that segregated neighborhoods result in segregated schools.[92] Murphy adds that, since school districts can only act to change the pattern of segregation brought about in neighborhoods, "the full force and commitment of all parties in a community to change those patterns [of neighborhood segregation]" is necessary for desegregation to take place.[93] He continues, "As demographics continue to shift, schools will be expected to compensate more and more by adjusting school boundaries and attendance rules. It is absolutely appropriate for school systems to play this role in the short run. But in the long run all citizens and institutions must assume much more responsibility for creating the kinds of communities in which compensating for a lack of integration will no longer be necessary."[94]

Compiled by Jennifer Dounay, ECS Information Clearinghouse

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State-level Policies Regarding Corporal Punishment in Public Schools

ECS Information Clearinghouse, 1998

Corporal punishment is commonly defined as the use of physical force, including hitting, slapping, spanking, paddling or the use of physical restraint or positioning which is designed to cause pain, as a disciplinary measure.

Twenty-two states, the District of Columbia, and Puerto Rico prohibit the use of corporal punishment in public schools.

Twenty-one states allow for the local education authority to establish discipline policies which may include corporal punishment (many states have court interpretations concerning the administration of corporal punishment to provide additional guidance to local boards establishing policies).

Seven states and the Virgin Islands have statutes that allow for corporal punishment to be used as a disciplinary measure (under state and local policies and guidelines).

Many states that have prohibited the use of corporal punishment as a disciplinary measure have statutes, rules or regulations which allow for the reasonable use of force to defend school personnel or quell disturbances.

In states where the decision to use corporal punishment is delegated to the local education authority, many state boards of education, while not specifically prohibiting its use, urge the local authority to find alternative means of discipline and control.

Summaries of the specific state policies and code citations for further information are:

State	Summary	Code citation
AL	Local board of education may establish policy. Teachers are exempt from liability in enforcing local board policy.	Ala. Code § 16-28-1A, 16-1-14
AK	Corporal punishment is prohibited. State board of education rule: 4AAC07.010(c).	Alaska Admin. Code tit. 4, § 7.010 (c)
AZ	Local district governing board may establish policy and procedures for administration.	Ariz. Rev. Stat. § 15-843
AR	Local board of education may establish policy. Any teacher or school administrator may use corporal punishment against any student in accordance with written district policy in order to maintain discipline and order.	Ark. Code Ann. § 6-8-505
CA	Corporal punishment is prohibited. State of California Education Code: 49000/01.	Cal. Educ. Code § 49000/01
CO	Board of education must develop policies and procedures for use of acts of reasonable and appropriate physical intervention or force in dealing with disruptive students. Policy cannot be in contravention with child abuse regulations (CRS 18-6-401(1) and 19-3-303(1)).	Colo. Rev. Stat. § 22-32-110 ii(2)(b)(IV)
CT	Local board of education may establish policy. The state criminal code allows teachers to use reasonable physical force on students without criminal liability.	Conn. Gen. Stat. § 10-221, 53A-18(6)

State	Summary	Code citation
DE	Allowed. May be used by teacher or administrator when deemed necessary and administered under district policy.	Del. Code Ann. tit. 14, § 701
DC	Corporal punishment is prohibited. District of Columbia municipal code: 24-2403.	D.C. Code Ann. § 24-2403
FL	Allowed for teachers or principals to administer in accordance with school board policy. Principals establish guidelines specifying punishable offenses, how administered and who may administer. Must be administered in presence of second, informed adult. Parents may request a written explanation of punishment.	Fla. Stat. Ann. § 232.27
GA	Allowed for teachers or principals to administer in accordance with written school board policy. Two adults must be present during administration, one of whom must be principal or designee. Parents may file a doctor's statement on first day of school restricting use of corporal punishment.	Ga. Code Ann. § 20-2-730/1
HI	Corporal punishment prohibited (no physical punishment may be used). Teachers and principals or principals' agents may use reasonable force to protect others or property.	Haw. Rev. Stat. § 302A-1141
ID	Local board of education may establish policy. Policy must be included in district discipline code and provided in writing to teachers and students.	Idaho Code § 33-512(6)
IL	Corporal punishment is prohibited. Specifically, spanking, paddling and placement in positions which may cause physical pain are prohibited by the School Code of Illinois.	Ill. Comp. Stat. § 24-24
IN	The governing body of a school corporation may establish policy in the required written discipline rules. School officials are allowed to take "any action reasonably necessary" to prevent interference with the educational process.	Ind. Code § 20-8.1-5.1-4 through 7
IA	Corporal punishment is prohibited. Reasonable and necessary force for defense is allowed.	Iowa Code § 280.21
KS	Local board of education may allow.	Kan. Stat. Ann. § 72-8201, et seq.
KY	Local board of education may allow. Corporal punishment is considered a legitimate form of discipline if reasonable and not excessive.	Ky. Rev. Stat. Ann. § 160.29
LA	Local school boards of each parish or city have the discretion to use corporal punishment. The local board must establish rules and regulations to control.	La. Rev. Stat. Ann. § 17:223
ME	Allows commissioner of education to disseminate rules concerning management and discipline for implementation by local boards of education. While no state policy specifically prohibits the use of corporal punishment, interpretations of state legislation in the courts have found that corporal punishment is not allowed, but the use of corporal force is allowed to control the disturbing behavior of a student (criminal code reference: 17A MRSA 106).	Me. Rev. Stat. Ann. tit. 20A, § 255(5)c
MD	Corporal punishment is prohibited.	Md. Code Ann., Educ. § 7-306(a)
MA	Corporal punishment is prohibited. The provision does not prohibit the use of reasonable force to defend from an assault by a pupil.	Mass. Gen. Laws ch. 71, § 37G(a), (b)
MI	Corporal punishment is prohibited. Strong support for the use of reasonable physical force to remove or restrain pupils interfering with the educational process or to defend oneself.	Mich. Comp. Laws § 380.13
MN	Corporal punishment is prohibited.	Minn. Stat. § 127.45
MS	Allowed to be administered by teacher/principal/assistant teacher/assistant principal if administered in accordance with federal and state laws, and regulations of the state and local boards of education.	Miss. Code Ann. § 37-11-57(2)

State	Summary	Code citation
MO	Local board of education establishes policy. Policy must be written and posted in the superintendent's office. Spanking is allowed by certified district personnel who are protected from liability in administering such punishment if it is administered in a reasonable manner and in accordance with the district policy.	Mo. Rev. Stat. § 160.26
MT	Corporal punishment is prohibited. Necessary and reasonable physical restraint is allowed to quell disturbances or defend oneself.	Mont. Code Ann. § 20-4-302(1)-(4)
NE	Corporal punishment is prohibited.	Neb. Rev. Stat. § 79-295
NV	Corporal punishment is prohibited. Reasonable and necessary force is allowed for defense or in escorting a disruptive student who refuses to go voluntarily with authorities.	Nev. Rev. Stat. § 392.47
NH	Allowed only in cases of self defense or under very exceptional circumstances. Such punishment is not recognized by the state board of education as a desirable method of discipline in the schools. Local school boards may establish disciplinary rules.	N.H. Rev. Stat. Ann. § 189.15 and N.H. Code Admin. R. Ann. Educ. § 203-02
NJ	Corporal punishment is prohibited. Reasonable and necessary force is allowed for defense.	N.J. Rev. Stat. § 18A:6-1
NM	Local board of education may allow based on a discipline policy which must be filed with the state department of education. Parents may veto the use of corporal punishment on their child.	N.M. Stat. Ann. 22-5-4.3(B) and N.M. Admin. Code tit. 6, § 1.4.10
NY	Corporal punishment is prohibited.	N.Y. Comp. Codes R. & Regs. tit. 8, § 19.5
NC	Local boards of education may establish policy. If the local board allows, the policy must include that the punishment not be conducted in front of other students; that it must be administered by a teacher, substitute teacher, principal or assistant principal; that another school official must be present during administration; and that the parents be notified of the punishment.	N.C. Gen. Stat. § 115C-391
ND	Corporal punishment is prohibited. Necessary use of force to quell disturbances is allowed.	N.D. Cent. Code § 15-47-47
OH	Local boards of education that adopted a corporal punishment policy prior to September 1, 1994, may retain such a policy if they have conducted a study on effective use of discipline. At anytime after September 1, 1996, any school district that retained a corporal punishment policy could eliminate the policy. If such a district elected to return to a corporal punishment policy at a later date, they may do so, provided they have completed a study on effective discipline. After September 1, 1998, any district may add a policy allowing corporal punishment, after they have completed the study on effective discipline. If the local board has adopted a policy, any teacher, principal or administrator may administer corporal punishment. Parents, by request, can restrict the use of corporal punishment on their child.	Ohio Rev. Code Ann. § 3319.41
OK	Local boards of education may establish policy.	Okla. Stat tit. 70, § 6-114 and tit. 21, § 843/4
OR	Corporal punishment is prohibited. Provisions allow for the use of reasonable physical force to maintain order.	Or. Rev. Stat. § 339.25

State	Summary	Code citation
PA	Local boards of education may establish policy. Teachers, vice principals and principals in the public schools stand "in loco parentis" over students in the public schools. Court interpretations of the statute have determined that each district must establish its own policy concerning whether or not to use corporal punishment as a disciplinary measure. If the local school district establishes a policy for the use of corporal punishment, parents may restrict use on their child.	Pa. Stat. Ann. tit. 24, § 13-1317
PR	Corporal punishment is prohibited.	P.R. Laws Ann. tit. 3, § 392(c)
RI	Each school committee (district) shall make its own discipline code which must be distributed to each student. Currently, no district in Rhode Island allows corporal punishment.	R.I. Gen. Laws § 16-21-21
SC	Allowed. Local governing body of each school district can provide corporal punishment for any pupil if deemed just and proper.	S.C. Code Ann. § 59-63-260
SD	Superintendents, principals, supervisors, teachers, aides and assistants have authority to use the physical force that is reasonable and necessary for supervisory control. South Dakota statute also states "like authority is given any person delegated to supervise children who have been authorized to attend a school function away from their school premises and to school bus drivers while students are riding, boarding, or leaving the buses."	S.D. Codified Laws § 13-32-2
TN	Allowed. Local boards of education may implement and control. Teachers and principals are allowed to administer in a reasonable manner.	Tenn. Code Ann. § 49-6-4103/4
TX	Board of trustees of each school district may implement a discipline management policy.	Tex. Educ. Code § 11.252 and § 37.083
UT	Corporal punishment is prohibited. Parents may provide the school with written permission to administer corporal punishment on their child. The use of reasonable and necessary force for defense is allowed.	Utah Code Ann. § 53A-11-802
VT	Corporal punishment is prohibited. Reasonable and necessary force to quell disturbances or for defense is allowed.	Vt. Stat. Ann. tit. 16, § 1161
VIR ISLD	Allowed. Principals and teachers may exercise the same authority as parents (loco parentis).	V.I. Code Ann. tit. 17, § 87
VA	Corporal punishment is prohibited. Reasonable and necessary force to quell disturbances or for defense is allowed.	Va. Code Ann. § 22.1-79.2
WA	Corporal punishment is prohibited.	Wash. Rev. Code § 28A.150.300
WV	Corporal punishment is prohibited. Local boards of education should provide guidance for other disciplinary measures.	W. Va. Code § 18A-5-1
WI	Corporal punishment is prohibited. Reasonable and necessary force to quell disturbances or for defense is allowed.	Wis. Stat. § 118.31
WY	Local board of trustees determines rules for reasonable forms of punishment and disciplinary measures.	Wyo. Stat. Ann. § 21-4-308

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State-level Policies Regarding School Uniforms and Dress Codes

ECS Information Clearinghouse, 1998

State	Summary	Code citation
AZ	District boards may "require students to wear uniforms."	15-342
AR	District board of directors may form a parent/student advisory committee to determine whether a districtwide student dress code should be enacted. After such a committee decides that a dress code policy should be adopted, the board may place the issue on the ballot of "any school election." However, "Nothing in this section shall be construed as requiring the board of directors of a local school district to adopt a uniform dress code or to hold an election on the issue."	6-18-102
CA	School districts may establish "a reasonable dress code policy that requires pupils to wear a schoolwide uniform or prohibits pupils from wearing 'gang-related apparel' ". This policy may be adopted by individual schools as part of their school safety plan (see 35294.1). Parents must be informed six months before children shall be required to wear uniforms to school. Includes requirement of parental opt-out policy as well as provision that no pupil shall undergo sanctions for not participating in the school uniform policy. Students who participate in a "nationally recognized youth organization" with its own uniforms must be allowed to wear their groups' uniforms on "days that the organization has a scheduled meeting."	35183
CT	"A local or regional board of education may specify a school uniform for students in schools under its jurisdiction."	10-221f
DE	District school boards are authorized to create and enforce "a dress code program, which may include school uniforms, for students within the district". Board policy must ensure that uniforms are offered at "an affordable price, and shall include provision to assist economically disadvantaged students in obtaining school uniforms."	4120
DC	In the Superintendent's long-term reform plan, s/he must describe how s/he will develop and implement "a uniform dress code for the District of Columbia public schools, that--(i) shall include a prohibition of gang membership symbols; (ii) shall take into account the relative costs of any such code for each student; and (iii) may include a requirement that students wear uniforms."	31-2853.1.
IL	School boards may establish uniform policies for all or some schools under their jurisdiction, when "necessary to maintain the orderly process of a school function or prevent endangerment of student health or safety." Grace period allowed for, during which students who have not purchased uniforms or dress-code compliant clothes will not be disciplined. Policy must also allow for procedure by which board will help or accommodate for "student from an indigent family in complying with an applicable school uniform or dress code policy." Parental opt-out on religious grounds allowed for.	5/10-22.25b.
IN	"(a) The governing body of a school corporation must...(1) Establish written discipline rules, which may include appropriate dress codes, for the school corporation."	20-8.1-5.1-7

State	Summary	Code citation
IA	District board of directors may establish dress code policy (either districtwide or for individual schools in the district) that bans wearing of "gang-related or other specific apparel if the board determines that the policy is necessary for the health, safety, or positive educational environment fo students and staff in the school environment or for the appropriate discipline and operation of the school."	279.58
KS	In section which enumerates grounds on which a board may suspend or expel a student or may authorize certificated employee or committee of such to suspend or expel a student, under Case Annotations, notes that school boards are "authorized to provide rules and regulations" in terms of a school dress code.	72-8901
LA	Local school boards may establish a dress code, including a school uniform policy, "which allows each parent or guardian the option of using such uniforms. Each school may select a uniform for its students and display such uniform prior to the beginning of each school year. The city or parish school board may notify, in writing, the parent or guardian of each school student of the dress code specifications and its effective date. Nothing herein shall require the expenditure of school or school board funds."	17:416.7
MD	Authorizes school board in Prince George's County to "implement the use of school uniforms by all students in the public schools in the county."	3-1007
MA	"School officials shall not abridge the rights of students as to personal dress and appearance except if such officials determine that such personal dress and appearance violate reasonable standards of health, safety and cleanliness." The board may enact guidelines to implement the student rights policies addressed in sections 82-84, after public school students have been notified and officials' consideration of students' views at a public hearing. "Said rules and regulations shall provide that, notwithstanding the existence of the rights and responsibilities described in the three preceding sections, school committees or school officials may take necessary action in cases of emergency. Students may petition for a hearing, to be held as soon as practicable after such emergency, as to whether such rules and regulations shall be revoked or modified."	71@83 71@85
MN	"Subd.2b. School uniforms. [...] [A] school board may require students to furnish or purchase clothing that constitutes a school uniform if the board has adopted a uniform requirement or program for the student's school. In adopting a uniform requirement, the board shall promote student, staff, parent, and community involvement in the program and account for the financial ability of students to purchase uniforms. [...] Subd. 4. A school board may waive any such deposit or fee if any pupil or the pupil's parent or guardian is unable to pay it."	120.73
MO	"A public school district in any city not within a county shall determine whether a dress code policy requiring students to wear a school uniform is appropriate at any school or schools within such district, and if it is so determined, shall adopt such a policy. The school district may determine the style and color of the school uniform."	167.03
NV	Board may, "in consultation with the schools within the district, parents and legal guardians of pupils who are enrolled in the district, and associations and organizations representing licensed educational personnel within the district, establish a policy that requires pupils to wear school uniforms. The policy must include a description of the uniforms, and state which pupils must wear the uniforms as well as the times during which the uniforms are to be worn. Boards adopting school uniform policies must assist parents or legal guardians who "request financial assistance to purchase the uniforms." The board may likewise adopt a school-hours dress code for "teachers and other personnel" under the board's employ.	392.46
NH	Under rule allowing school boards to adopt measures for discipline of schools, annotation states that, "While a school board does have power to adopt reasonable restrictions on dress as part of its educational policy and as an educational device, the schol board's power must be limited to that required by its function of administering public education."	189:15

State	Summary	Code citation
NJ	Upon the request of the principal, staff and parents of students at a school, the local board may enact a dress code, provided the board finds the policy will improve the "school learning environment." Such policies are to include "a provision to assist economically disadvantaged students", to be adopted after a public hearing about the issue, and are not to be implemented with less than three months' notice to students' parents or guardians. The principal, staff, and parents of pupils at the individual school will decide upon the specific uniform. Board may choose to add a parental opt-out clause; children of parents who choose to opt out shall not be sanctioned academically or otherwise. Students who belong to a "nationally recognized youth organization" must be allowed to wear that organization's uniform to school "on days that the organization has scheduled a meeting." Local boards may also create policies that forbid students from wearing gang-related clothing or accessories.	1996 S.B. 540
NY	In section that enumerates powers of district boards of education, note 47 stipulates that "[r]ules concerning student dress must relate to a specific educational purpose, such as health, safety or full participation in school activities."	1709
NC	"The State Board of Education may authorize up to five local school administrative units to implement pilot programs in which students are required to wear uniforms in public schools. "Prior to selecting the pilot units, the State Board of Education shall develop guidelines for local boards of education to use when establishing requirements for students to wear uniforms in public schools. In developing these guidelines, the State Board schall consider (i) ways to promote parental and community involvement int eh pilot programs, (ii) relevant State and federal constitutional concerns such as freedom of religion and freedom of speech, and (iii) the ability of students to purchase the uniforms. "Local boards in the pilot units shall establish requirements, consistent with the State Board's guidelines, for students enrolled in any of their schools to wear uniforms at school during the regular day." Adds that state monies will not pay for uniforms.	115C-16
OH	Boards of education may adopt school uniform or dress code policies under the following conditions: (A) That "ample opportunity for principal, staff, and parents to offer suggestions and comments" has been provided; (B) That six months' notice be given parents before a specific uniform is required; (C) That a plan for helping low-income parents obtain uniforms is part of the policy (such plan "may include using school district funds or funds from other sources"); and (D) That on days when a nationally-recognized youth organization (which authorizes its own uniforms) "has a scheduled function", students participating in the organization be exempt from wearing their school uniforms.	3313.67
TN	State board of education has duty and authority to create "guidelines and criteria for local adoption and enforcement of uniform clothing for public school students. These guidelines and criteria shall require that uniform clothing be simple, appropriate, readily available, and inexpensive. The board shall disseminate these guidelines and criteria to local education agencies. These guidelines and criteria can be used as a tool for local education agencies that may adopt uniform clothing policies. Adoption of uniform clothing policies shall be at the discretion of the local board of education."	49-1-302
TX	If the students attend a school with a uniform policy, they are required to provide themselves with uniforms, except for those who are educationally disadvantaged. District board may adopt school uniform policy. Such policy must indicate where monies will come from for purchasing uniforms for educationally disadvantaged pupils. Policies must include parental opt-out provision "if the parent or guardian provides a written statement that, as determined by the board of trustees, states a bona fide religious or philosophical objection to the requirement." Students will begin to wear uniforms 90 days after the board "adopts the rules that require the uniforms."	11.158 11.162

State	Summary	Code citation
UT	Local boards and public schools may implement school uniform policies, after the "adopting authority" holds a public hearing before formally adopting the policy. If the parents/guardians of 20% of the students sign a petition voicing their objection to the policy, and this petition is presented to the adopting agency within 30 days of the dress code's adoption, an election must be held to consider revocation of the uniform policy. Outlines details of procedure of this election.	53A-15-602
VA	"A. The Board of Education shall develop model guidelines for local school boards to utilize when establishing requirements for pupils to wear uniforms. In developing these guidelines, the Board shall consider (i) ways to promote parental and community involvement, (ii) relevant state and federal constitutional concerns, such as freedom of religion and freedom of speech, and (iii) the ability of pupils to purchase such clothing. "B. Upon approval by the Board of the model guidelines, local school boards may establish requirements, consistent with the Board's guidelines, for the students enrolled in any of their schools to wear uniforms while in attendance at such school during the regular school day. No state funds may be used for the purchase of school uniforms."	22.1-79.2
WA	District boards "may establish schools or programs which parents may choose for their children to attend in which: (a) Students are required to conform to dress and grooming codes, including requiring that students wear uniforms..." "(2) School district boards of directors may establish schools or programs in which: a) Students are required to conform to dress and grooming codes, including requiring that students wear uniforms...School boards may require that students who are subject to suspension or expulsion attend these schools or programs as a condition of continued enrollment in the school district. (3) If students are required to wear uniforms in these programs or schools, school districts shall accommodate students so that the uniform requirement is not an unfair barrier to school attendance and participation. (4) Nothing in this section impairs or reduces in any manner whatsoever the authority of a board under other law to impose a dress and appearance code. However, if a board requires uniforms under such other authority, it shall accommodate students so that the uniform requirement is not an unfair barrier to school attendance and participation." District boards may also establish policies that forbid students from wearing gang-related apparel. If such a policy is adopted, the board must also inform parents and students of "what clothing and apparel is considered to be gang-related apparel. This notice must precede any disciplinary action resulting from a student wearing gang-related apparel." Students who participate in a nationally-recognized youth organization must be allowed to wear that organization's uniform "on days that the organization has a scheduled activity"; the district may not "prohibit students from wearing clothing in observance of their religion."	28A.320.140

Examples of School District-Level Policies on School Uniforms: (not inclusive)

District, State	Voluntary	Mandatory	Notes
Highland Park, MI	X 5 schools		
Long Beach Unified, CA		X 70 schools	Parents have option of refusing to comply; there are provisions to supply low-income students with uniforms.
Dade Co., FL	X 80 schools	X 46 schools	
Oakland, CA		X	See Long Beach Unified
District of Columbia	X 41 schools		
Detroit, MI	X 5 schools		
Country Club Hills, IL	X 3 schools		

Chicago, IL	X 225+ schools		
Prairie Hills, IL	X 7 schools		
Baltimore, MD	X 120 schools		Elementary and middle schools only.
Dayton, OH	X 17 schools		
Phoenix, AZ		X 1 school	Constitutionality upheld by county court judge in '95.
St. Paul, MN		X 1 school	Hazel Park Middle School Academy is phasing in uniforms from 96-97.
Houston, TX			In 1996-97 school year, 168 of 257 schools had uniform policies.
San Antonio, TX		X 94 schools	In December 1997, the district decided to make uniforms mandatory for students in all its elementary, middle, and high schools.

Clearinghouse Notes are multi-state policy compilations.

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Determining the Cost of a Basic or Core Education

The Education Commission of the States, 1998

Over the years, state policy makers have struggled with the question of how much should be spent per student for education, or "what does an *adequate* education cost?" A clear, descriptive process does not exist for defining, measuring or funding an "adequate or "core" education. However, recent education reforms and court decisions have intensified the need for a useable model or procedure for determining the cost of a core education.

The emergence of high academic standards and a focus on student results are shifting the notion of adequacy from simply providing certain inputs (teacher/student ratio, library books, instruction minutes) to determining what resources are necessary for students to reach their academic potential. Another influential factor has been school finance court decisions that are prompting states and districts to identify what it takes to give students equal educational and employment opportunities.

Several states are reexamining the issue of adequacy in terms of "what is a core education and what does it cost?" -- both of which are difficult tasks. Additionally, policymakers are trying to identify what the state should pay for, what should be left to local school districts and what adjustments should be made for high-cost students and district conditions (i.e., high enrollment growth, isolation).

Some states are exploring ways to identify "ideal" spending ranges and efficient practices for certain activities (i.e., administrative, transportation, food services), and then providing incentives for districts to spend within this range. In addition, the state would provide districts with options for and encourage them to adopt more effective and efficient practices. One goal of this process is to save money on non-instruction services in order to direct more dollars to teaching and learning. While few procedures for determining these ideal spending ranges exist within education, other public service areas or the private sector might provide examples.

Recent State Activity

Illinois

As part of the Governor's Commission on School Funding, the Illinois State Board of Education was charged with developing a more appropriate base student funding level. The SBE identified "efficient" districts -- defined by high academic performance in comparison with other schools with students of similar socioeconomic background, and with below average per student spending. Using the Coopers & Lybrand's expenditure model, known as "In$ite," the Board examined these districts' spending patterns. The SBE recommended that the base funding level should include costs associated with: instruction; instructional support, technology, facility operation and maintenance; business services; and administration. The base funding level calculation excluded categorical programs and operation costs subsidized by other categorical funding sources. The SBE also suggested adjusting the foundation level for certain factors (i.e., poverty concentration) and by an inflation factor, but eliminated grade weighting within the formula. Additionally,

the Board recommended that the base level should be reviewed every two years, and updated as needed. This proposal, along with other Commission recommendations, was not enacted by the Legislature in 1996. However, the education funding levels devised by the SBE are serving as the basis for the 1997 legislative session school finance discussions.

Kansas

During the 1997 session, the legislature attempted to pass a bill that would require the state department of education to identify and to cost-out a core education. Although the bill failed, the issue is expected to resurface next session.

Maine

The legislative education committees are conducting a study to identify "essential services" for education, the state role in paying for these core services, and at what level they should be funded. The study was initiated during the 1997 legislative session.

Massachusetts

A 1993 state supreme court ruling that declared the funding system unconstitutional on the basis of adequacy became the impetus to enact a new funding formula. The court borrowed language from the 1989 Kentucky court ruling, *Rose vs. Council for Better Education*, for purposes of defining the skills and competencies that an adequately education child should possess, including: oral and written communication skills; understanding of social and political systems and government processes; grounding in the arts, occupational training or preparation for advanced training in either academic or vocational fields. The new funding system uses a basic foundation level that is calculated for each school district every biennium. The computations are based on components of an adequate education including class size, professional staff and other staff. In the first year of the foundation program (1993-94) the average foundation level was $5,500.

Minnesota

A task force was formed in 1993 to define and estimate the costs of "core" instruction, support services and local discretionary services. The anticipated outcomes included:

1. reduce the number of school formulas to three (core instruction, support services and discretionary)
2. change the formulas from revenue-driven to cost-driven formulas
3. set a goal of a higher level of state aid for the core revenue
4. define and separate out a set of support services
5. encourage revenue to be directed to the individual building, instead of the district level

Additionally, the task force was to determine which services the state should pay for and at what funding level. Final figures were not produced for the three cost areas (core instruction, support services, local discretionary services) and the task force was eventually dissolved.

More recently, Minnesota has undertaken a study to cost-out their "graduation rule" in the areas of math, reading and writing composition. Students must pass exams in these areas to graduate from high school, and benchmark tests are given in grades 3, 5 and 8. Additionally, the state is identifying the cost impact of their "Profile of Learning Standards" (high academic standards).

Mississippi

As part of a new funding formula enacted in 1997, a task force of legislators and state education department officials adopted a new method to set a base student cost. The model identifies districts that are performing well and are spending around the average per student expenditure level. Districts that are anomalies in terms of wealth (high or low), tax rates, demographics and geography are then eliminated from the pool. The next round reviews the remaining districts' general spending categories (instruction, administration, plant maintenance, etc.). If a district's expenditure level for a particular category is unusually high or low, that data are not used in the overall analysis for that spending category. After the

anomalies are weeded out, the spending category information is combined and used to calculate the base student cost.

Nebraska
A legislative task force proposed that the State Board of Education incorporate a set of "common leaning" requirements into state school accreditation standards which would establish a core curriculum. The Board and the Legislature would then work collaboratively to develop a means to tie state aid to academic programs related to this core curriculum.

New Hampshire
A December 1997 State Supreme Court ruling declared the education funding system unconstitutional because it failed to provide an adequate education to all students in New Hampshire. Consequently, the legislature is charged with defining and funding an adequate education. The court did refer to the 1989 Kentucky school finance Lawsuit, *Rose vs. Council for Better Education*, which outlined the skills and competencies that students should possess upon graduation. The state has approximately a year-and-a-half to respond to the court order.

New Jersey
Governor Whitman and State Superintendent Klagholz decided to take a different approach to solving the state's ongoing finance equity problem by identifying student core content standards and determining the associated costs. The Governor identified a base number of $7,200 per student. The legislature enacted the plan in December, 1996. However, a debate ensued as to whether this amount reflects a real or reliable process for attaching a dollar figure to students' opportunity to meet the standards. The plaintiffs immediately filed a lawsuit against the Governor's plan, indicating that New Jersey has yet to reach consensus on resolving their equity disputes (in 1990, the State Supreme Court ruled the funding system unconstitutional as it relates to 28 urban, "special needs" districts).

In May of 1997, the New Jersey Supreme Court ruled the new funding law unconstitutional, stating that sufficient funds were not provided to the special needs districts and the model used to determine the base cost was unacceptable. The court did support the use of core content standards, but required the state to more thoroughly study, identify, fund and implement programs that address the needs of urban students. Additionally, the department of education must ensure districts are spending their money efficiently.

Ohio
A 1997 state supreme court decision which ruled the school funding system unconstitutional prompted law makers and research organizations to reexamine how Ohio sets their base funding level. The court ruling stated that the "formula amount" has no real relationship to what it actually costs to educate a pupil, but is instead, determined by available state revenue. While the court gave the legislature one year to "systematically overhaul" the funding formula, it is unclear whether a new approach to calculating the base student cost will be part of the finance reforms. However, state officials have been working with consultants to explore ways to more appropriately set the base funding level.

Oregon
In July of 1996, the Governor established a task force to identify how education dollars are spent, define the cost of a basic education for each student and link dollars spent with student performance. Completion of the task force's work is expected within a year, and the implementation of their recommendations will follow.

Rhode Island
Legislation has been introduced to revise the process for determining the base funding level, as well as other major changes to the funding formula. The basic funding level would be based on what districts need to provide an adequate education for all students, rather than just using historical figures. The formula would be adjusted for special education, at-risk students and bilingual education. Districts and schools

would be held accountable for how money is spent, as well as for student performance. Detailed reports of districts' spending patterns would be coupled with test-score results, from which the state would identify districts that are getting the best education for their investment. A statewide benchmark for teacher pay and benefits would be set, but districts could pay more than the benchmark with local funds.

Tennessee

In 1992, the state supreme court ruled the funding system unconstitutional and stated that the education system should provide at least "the opportunity to acquire general knowledge, develop the powers of reasoning and judgment, and generally prepare students intellectually for a mature life." State lawmakers enacted a new funding formula that is based on the cumulative cost of 42 educational "essentials" which are divided into two categories -- classroom (i.e., teachers, social workers, technology) and non-classroom components (i.e., school secretaries, maintenance and operations). The state is obligated to fund 75% of the classroom component costs and 50% of the non-classroom costs. The quantity of components required is a function of student enrollment (ADM) and costs are determined by the legislature based on state averages.

Wyoming

A 1995 Wyoming Supreme Court decision that ruled the funding system unconstitutional required state leaders to define a basic education ("the education basket") and then cost-out these services and programs. A legislative committee has determined that "the basket" consists of current programs and services, with the addition of smaller classes in K-3, state accreditation standards (a common core of student knowledge and skills and teacher salary benchmarks) and a statewide student assessment. A consulting firm completed a study of how much is spent on education, and the cost of the "education basket" programs and services.

A bill was passed during a 1997 special session, then refined during the 1998 session due to a partial veto by the Governor. Consequently, HB 1001 established a common core of knowledge and skills (the education "basket"), as well as programs for special needs students. The funding structure is a Cost-Based Block Grant model which sets per-pupil funding levels by calculating the cost of instructional and operating components for a "prototypical school" (i.e., an elementary school with 288 students). The components include: personnel salaries; supplies, materials and equipment; and specialized services (i.e., transportation). Adjustments are made for special needs students and district characteristics (i.e., small and isolated).

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Litigation in Progress and Unsettled Lawsuits

Compiled by the ECS Information Clearinghouse, 1998

State	Year filed or Year of Decision or Filing	Status or Ruling	Comments
Arkansas	1994 (decision)	Chancery court ruled system unconstitutional, but the decision was not a "final ruling." The court has yet to rule whether funding system changes enacted by state resolve the inequities.	Lower court gave state two years to redesign funding system, at which time the court would review the plan and issue a final ruling. The state established a 25-mill statewide property tax rate for schools and can equalize property tax by redirecting funds from wealthy to poor districts.
California	1990 (filed)	Filed	Plaintiffs claim funding system does not meet equity requirements of 1971 Serrano decision.
Colorado	1998 (filed)	Filed	Five rural districts filed a lawsuit charging the state's system for funding school construction is unconstitutional. Plaintiffs claim that state inadequately funds capital expenditures, leaving poor districts with dilapidated buildings and no funding for improvements.
Connecticut	1998	Filed	With the backing of 12 cities and towns, families of 7 school children filed a lawsuit claiming that the funding system creates inequities, in particular, a provision that sets funding caps designed to limit spending
Florida	1995 (filed)	On appeal	In 1998 and 1997, a district court dismissed the lawsuit, stating that the plaintiffs's claims were moot and they did not have standing as an unincorporated association of parents to pursue litigation. In 1995, a lower court dismissed equity/adequacy lawsuit, stating that school finance is legislative issue. The lawsuit was originally filed in 1994.

State	Year filed or Year of Decision or Filing	Status or Ruling	Comments
Idaho	1993 (filed)	State supreme court trial set for Sept. 1997	Despite a new finance formula and increased funding passed in 1994, plaintiffs claim that funding system is too reliant on local property taxes, and state doesn't provide adequate funds for general operations or facilities. An equity lawsuit was withdrawn in 1994 when changes were made to funding formula.
Illinois		Reinstated by district appellate court Will be heard by state supreme court in early 1998	A lawsuit that was dismissed by the county court in 1995 has been reinstated by a district appellate court. The ACLU case claims that the State and the East St. Louis school district fail to provide an adequate education for the city's children. See Recent Case Dismissal section for update on a separate court case.
Louisiana	1992 (filed)	In June 1998, a Circuit Court of Appeals dismissed the lawsuit for the 2nd time; plaintiffs plan to ask the state supreme court to issue a final ruling	A group a school districts and the ACLU filed a lawsuit claiming that the state does not provide adequate funding which results in some students lacking textbooks and safe buildings. The court dismissed the case in March of 1997, stating that school funding is within the jurisdiction of the legislature and state board of education. In October 1997, the state supreme court overturned the appeals court decision which dismissed the case, on a legal point. The case was remanded back to the court of appeals
Minnesota	1996 (filed)	Discovery stage in trial court	St. Paul School district filed lawsuit claiming that resources are not available to provide an "adequate" education based on state academic standards and performance requirements. Plaintiffs basing claim on 1993 *Skeen v. State* case in which court determined all students had right to adequate education.
New Jersey	1990 (decision)	Funding system ruled unconstitutional as it applies to 28, urban districts	See Recent Decisions and State Responses section (below) for more details
New Jersey	1997 (filed)	Filed	17 rural school districts filed a lawsuit claiming that the state does not provide them with enough money for a "thorough and efficient education," or to meet the state's new performance standards. Poverty rates, test scores and graduation rates are similar to the 28 urban "special needs" districts that have been part of an ongoing lawsuit (see above case).

State	Year filed or Year of Decision or Filing	Status or Ruling	Comments
New Jersey	1998	Filed	25 middle-income districts sued the state claiming the funding system creates wide disparities in local property tax rates. Plaintiffs claim the funding system relies too heavily on property taxes, creates unequal tax burdens and forces certain districts to levy high tax rates to meet state academic standards. They do not seek to close spending gaps or claim inadequate funding.
New York	1993 (filed)	Case will be heard by State Supreme Court in late 1997	CFE case focuses on adequacy and equity of funding in NYC. (Campaign for Fiscal Equity v. State of NY) Another case was dismissed in 1995 that focused on fiscal inequities among Long Island districts. (REFIT vs. Cuomo)
North Carolina	1994 (filed)	Supreme Court issued opinion on interpretation of constitutional language related to education (July 1997), and remanded case to superior court for trial phase	Eleven school districts claim system is inequitable and inadequate. First phase of trial interpreted constitutional language related to education. Trial court ruled that constitution required access to basic and equal education. Appeals court ruled that system only needs to provide access to basic education. Supreme court affirmed access to basic education ruling, but not to equal dollars or opportunity. Superior court will determine whether funding system meets access to basic education criteria.
Oregon	1997 (filed)	County court ruled funding system unconstitutional; appeal is expected	Plaintiffs filed lawsuit claiming that funding formula revised in 1991 has not achieved equity goals.
Pennsylvania	1991 (filed) July 1998 (trial court)	Commonwealth Court (trial court) dismissed the case in July of 1998; plaintiffs might appeal	216 rural school districts claim that funding system is inequitable and inadequate, resulting in sub-standard education for many students. The Commonwealth court indicated that school funding is a political issue and rests with the legislature. Further, the court stated that the plaintiffs failed to prove their contention that students are receiving an inadequate education because their districts don't get enough state aid.
Pennsylvania	1997 (filed) March 1998 (lower court decision)	Commonwealth Court (lower court) ruled that case and defining an adequate education do not fall within their jurisdiction but rest with the legislature, and funding education is both state and local responsibility	Philadelphia school district claims that the state does not provide the city schools with sufficient funds to educate their students and that the district cannot afford to make up the difference

State	Year filed or Year of Decision or Filing	Status or Ruling	Comments
South Carolina	1993 (filed)	State supreme court will hear case beginning on 10/6/97	A lower court dismissed a school finance lawsuit in 1996, but plaintiffs appealed. Plaintiffs claim that funding system is inequitable and inadequate.
South Dakota	1994 (filed)	Lower court ruled funding system constitutional; uncertain whether plaintiffs will appeal	Judge stated that system is equitable up to an "adequate level" and that it's not within court's jurisdiction to address equity beyond this level.
Wisconsin	1995 (filed)	County judge upheld funding system as constitutional in August 1997	Judge stated that plaintiffs failed to present "very strong evidence of some basic failure in the operation of the education system." The court also indicated that until the state supreme court establishes a reasonably clear and meaningful standard for equal opportunity, the legislature, litigants and lower courts "will be left groping." Coalition of 100 school districts claim funding formula is inequitable, primarily due to heavy reliance on local property taxes for schools.

RECENT DECISIONS AND STATE RESPONSES

Alabama

The state funding system was ruled **unconstitutional** by a trial court in 1993. The state decided not to appeal the "liability" decision, but later appealed the lower court's "remedy" decision. In a December 1997 ruling (similar to a January 1997 opinion), the supreme court affirmed the 1993 decision that the state is responsible for the poor and inequitable conditions of public schools (liability ruling) and gave the state a "reasonable time" to fix the schools before further legal intervention. However, the supreme court threw out the lower court's 1993 order for how to correct the state's funding system (remedy decision). The December ruling remanded the case back to the trial court and allowed the plaintiffs to reopen the case if the state does not respond in a timely manner and in compliance with the initial court ruling.

Alaska

In February, 1997, the state supreme court **upheld** the school funding law that gives a greater share of state money to regional school districts than to municipal and borough districts. Municipal districts contribute significantly to public schools, while rural districts contribute comparatively less. The Court said plaintiffs failed to show that the funding system translated into educational opportunity disparities, and taxation issues were secondary to the overall goal of fiscal equity. The case was filed in 1986.

Arizona

The state supreme court ruled the funding system **unconstitutional** in 1994. The Court ruled that the finance system unconstitutionally created vast disparities in districts' ability to afford school construction, building maintenance and equipment. The first plan by state leaders to remedy capital facility inequities was not accepted by the superior court (11/96). The court set June 30, 1998 deadline for an acceptable solution or state must stop distributing aid to schools. In March of 1997, the Governor signed a bill that would direct $32.5 million a year from existing sales-tax revenue to poor districts. Schools would be guaranteed $350 a year for every elementary student and $500 for each high school student, however, the amount coming from the state would depend on the district's wealth. In September, 1997, the state supreme court rejected the state's latest remedy for equalizing school construction, stating that the plan failed to ensure "a general and uniform education system" and the requirement for districts to issue bonds for capital outlay would not be possible or fair for all districts. The June 30, 1998 deadline still holds.

In March, 1998, the Arizona House approved a funding plan that would end local school construction bonding and instead provide approximately $400 million in state funding each year. In addition to eliminating local bonds for capital

construction, the state would set minimum standards for school facilities. The Senate approved the plan, but added an "opt-out" provision that allowed districts which met the state's minimum-adequacy requirements for facilities to continue using local bonds. In June of 1998, the state supreme court ruled the latest funding plan unconstitutional. The court declared the opt-out provision (along with differences in access to local tax dollars between districts that decide to opt out and those that participate in the state plan), created disparities in districts' ability to build and maintain buildings. An August 15th deadline was set for the state to present a more acceptable remedy.

During a special summer session, the legislature revised their most recent plan to address the court's concern with the opt-out provision. The new plan allows all districts to issue bonds if they want to go above and beyond the state's facility standards. In July 1998, the state supreme court accepted the revised plan. The state estimates the plan will carry an initial price tag of $375 million, but cost less over time. State leaders hope a strong economy will fund the plan and therefore eliminate the need for tax increases.

New Hampshire

In December of 1997, the state supreme court ruled the New Hampshire school finance system unconstitutional, stating that relying on local property taxes to fund nearly 90 percent of the cost of education places a disproportionate burden on residents in property-poor towns. The court said that local property taxes for education are essential a state tax - not a local tax - because it's the state's duty to provide children with an adequate education and guarantee funding for it. The ruling directs the legislature to set a standard for an "adequate" education that towns will be required to provide, but does not prevent towns from funding programs above this level.

Case was filed in 1991. Lower court ruled education is not a fundamental right and dismissed case in 1992. Case was referred to state superior court after state supreme court ruled education is a substantive right (the state has a duty to fund public education). In December of 1996, the superior court declared funding system meets constitutional requirements to provide an "adequate" education. The judge acknowledge problems existed, but that they must be dealt with by the legislature, governor and citizens. Plaintiffs appealed the ruling to the supreme court.

A governor's task force released a plan in March of 1998, the Advancing Better Classrooms (ABC) that would raise revenues from video gambling and a cigarette tax hike to provide an adequate elementary education at $4,629 per student, middle school and junior high at $5,206 and high school at $5,767. A uniform property tax would be imposes statewide, but districts could have a lower tax rate if they that could raise enough funding; the state would supplement districts that raised less than the base funding level. Also, the plan includes an accountability system and district improvement plans. The House approved the plan, but the Senate decided to wait for an advisory opionion from the court.

In June 1997, the Supreme Court ruled the plan unconsitutional. The judges approved the educational components of the plan, but rejected the funding portion because it would allow some towns to continue paying far lower tax rates than others. In September, legislation was introduced to amend the constitution, nullifying a child's fundamental right to an education, but ensuring "the opportunity for an adequate education." However, no proposed amendments were approved in time for the November ballot. Lawmakers still face a court-imposed April 1999 deadline.

New Jersey

Funding system was ruled **unconstitutional** as it applies to 28 special needs, urban districts by State Supreme Court in 1990, but the legislature has yet to present an acceptable solution to the court. After original 1990 ruling, plaintiffs refiled the case based on claims that inequities were reinstated after the legislative remedy (Quality Ed. Act. QEA) was revised in March of 1991 (QEA II). In 1994, State Supreme Court ruled that the current funding system, QEA II, was unconstitutional and legislature had not done enough to eliminate disparities.

In December of 1996, the legislature enacted another law in an attempt to respond to the 1990 court decision. The law (initiated by the Governor and Education Commissioner) set broad curriculum standards for schools; raised state spending by $286 million; required districts to spend $7,200 per pupil in 1997, but allowed districts to spend beyond this level with local dollars. In May of 1997, the State Supreme Court ruled this plan unconstitutional, declaring that sufficient funds were not provided and model used to set base cost was unacceptable. The court required Dept. of Ed. to study, identify, fund and implement programs to address needs of students in urban districts (which can include content standards). Also, the court required the education department to ensure that districts are spending money efficiently.

In January, 1998, a lower court issued a set of recommendations to the supreme court which would mandate state to pay $312 million for pre-kindergarten, extended year and summer school, and social services for urban districts, and

$2.7 billion for new classrooms. Both sides appealed -- plaintiffs unsatisfied with dollar amount, and the state believed the court overstepped its jurisdiction.

In May of 1998, the state supreme court issued their final ruling which supported the governor's plan to implement "whole-school reform," expand preschool programs and address school construction. The court called for a continued pursuit of parity between the urban and wealthy districts, but concluded that funding levels should be set by identifiable district needs. The court directed the state to create half-day programs for 3-4 year-olds and full-day kindergarten for children in the 28 urban districts, but rejected the other recommendations by the lower court.

Ohio

In March of 1997, the Ohio State Supreme Court ruled the funding system **unconstitutional**, declaring that it violated the state's education clause which mandates a "thorough and efficient" education. The court found the following provisions of the funding system unconstitutional: a) borrowing authority to school districts, b) emergency school assistance loan provisions, c) the School Foundation program, and d) the Classroom Facilities Act, to the extent that it is underfunded. The Court criticized the heavy reliance on local property taxes to fund schools, reminded the legislature of their responsibility to support a "statewide" education system, called for a "systemic overhaul" of the funding system and gave the legislature a year to develop a new finance system. A coalition of 500 school districts filed a lawsuit arguing that students in lowest spending districts are not receiving and adequate education. A trial court ruled funding system unconstitutional in 1994, but the state appellate court reversed lower court decision in 1995.

State policymakers enacted a funding plan in response to the court decision, but the remedy hinges on a May 5 ballot initiative for a one-cent sales tax increase. The tax hike would raise about $1.1 billion annually for schools and property tax relief. The ballot initiative failed by an 80 to 20% margin. Nonetheless, lawmakers will submit their plan to the court and will ask the judges to reconsider their decision based on funding improvements made since the lawsuit was orignally filed.

Vermont

In February of 1997, the Vermont Supreme Court ruled the funding system **unconstitutional**. The Court stated that the public school finance system, with its substantial dependence on local property taxes and resultant wide disparities in available revenue, deprives children of an equal educational opportunity in violation of the Vermont Constitution. The legislature passed a new school finance, education reform and tax reform plan during the 1997 session which included the following:

- creates a per-student block grant ($5,000 for 1997) which is given to each district based on its equalized pupil count, a mainstream block grant for special education which is based on a per pupil count (60% reimbursement of costs) and an essential early education grant; the block grant will be adjusted by annual price index; pupil count is weighted to reflect poverty, primary/secondary students and ESL
- appropriated additional $9.6 million for capital construction and in 1999 will change formula for state grants for approved school construction costs to 30%
- allows discretionary spending by local districts above the block grant and provides for equalization of ability to raise funds for this spending
- establishes an Education Fund and an Education Fund Stabilization Reserve -- all state and local revenues for education go into the fund and are distributed to districts
- replaced local property taxes for schools with a statewide education property tax, setting one rate for homestead and nonresidential property
- included several education reforms including: student standards, new assessments, school improvement grants, early childhood programs and others
- financed the changes through the a statewide education property tax and various tax increases

West Virginia

In April of 1997, a specially appointed judge updated a 1982 state supreme court ruling on educational equity and gave the state a year to draft a more equitable funding system. As with the earlier court ruling, the judge declared that the funding system violated the state's constitutional "thorough and efficient" clause. He credited the state with making several changes to improve education and fiscal disparities, but stated that these changes have not gone far enough to address inequities between districts. If an acceptable plan is not presented by March 16, 1998, the judge will consider appointing a special master to oversee the implementation of education reforms required in the 1982 decision. Plaintiffs filed a lawsuit in 1994, claiming that the state hadn't satisfied 1982 court decision requirements for an Education Master Plan.

Wyoming

A 1995 Wyoming Supreme Court decision that ruled the funding system was unconstitutional, and required state leaders to define a basic education ("the education basket"), cost-out these services and programs, and design a more equitable funding formula. During a special session, the legislature passed HB 1001, part of which the governor vetoed.

HB 1001 established a common core of knowledge and skills (the education "basket") as well as programs for special needs students. The funding structure is a Cost-based Block Grant model which establishes per-pupil funding levels by calculating the cost of instructional and operating components for a "prototypical school " (i.e., elementary school with 288 students). The components include: personnel salaries; supplies, materials and equipment; and specialized services (i.e., food service, transportation). Adjustments are made for special needs students and district characteristics (i.e., necessary small schools). In addition, funds were appropriated for K-3 class size reduction, a statewide technology plan, a statewide student assessment plan, and to study several issues including special education, transportation and school building needs.

In Fall of 1997, the Wyoming Education Association and 31 of the 49 school districts filed a lawsuit claiming that the new school funding plan would not provide adequate funding to ensure that all students received an equal educational opportunity. In December 1997, a district court judge issued an informal opinion that sided with the plaintiffs, although a formal ruling is expected early in 1998. The judge said that the proposed cost adjustments for schools with fewer than 200 students was "constitutionally deficient," but agreed to review the plan again in April 1998, after the legislature has had time to adjust the funding system.

RECENT CASE DISMISSALS OR SETTLEMENTS

Illinois
In 1990, seventy-five districts filed a case claiming that the state education funding system was inequitable and unconstitutional. The case was dismissed in Cook County Circuit Court in 1992 and again in the state appeals court before its final dismissal by the state's supreme court in mid-October, 1996.

Maryland
Three cases were consolidated and settled through court-mediated negotiations in mid-November, 1996. Two 2 cases filed by the ACLU claimed that the state has not provided an adequate education for Baltimore students. The other case filed by the MD Disability Law Center in federal court claimed that the state has not properly educated special education students.

The written agreements include a commitment to provide substantial additional State funding for Baltimore City schools through the year 2002. The agreements also incorporate management and educational reforms, including a new Board of School Commissioners composed of city residents and the replacement of the superintendent with a CEO.

Missouri
State Supreme Court unanimously upheld the main sections of the state's 1993 Outstanding Schools Act, which responded to a 1993 lower court decision which ruled the funding system unconstitutional. (December, 1996)

SCHOOL FINANCE LITIGATION
FINAL DECISIONS BY STATE SUPREME COURTS
The Education Commission of the States

April 1998

STATES IN WHICH THE FUNDING SYSTEM HAS BEEN RULED UNCONSTITUTIONAL

STATE	DECISION DATE	STATE	DECISION DATE
Alabama *	1993	Montana	1989
Arizona	1994	New Hampshire	1997

STATE	DECISION DATE	STATE	DECISION DATE
		New Jersey **	1973 and 1990
		Ohio	1997
Arkansas*	1983 , 1994	Tennessee	1993
California	1971	Texas	1989
Connecticut	1977	Vermont	1997
Kentucky	1989	Washington	1978
Massachusetts	1993	West Virginia	1979
Missouri *	1993	Wyoming	1980 and 1995

* Lower court ruling served as final decision since case was not successfully appealed by state
** See Unsettled or Ongoing Cases

STATES IN WHICH THE FUNDING SYSTEM HAS BEEN UPHELD AS CONSTITUTIONAL

STATE	DECISION DATE	STATE	DECISION DATE
Alaska	1997	Ohio	1979
Arizona	1973		
Colorado	1982	Oklahoma	1987
Georgia	1981	Oregon	1976 and 1991
Idaho	1975	Pennsylvania	1979
Maryland	1983	Rhode Island	1995
Michigan	1973	Washington	1974
Minnesota	1993	Wisconsin	1989
North Dakota	1994	Virginia	1994
New York	1982		

LITIGATION-RELATED ACTIVITY

State	Year of Decision	Status or Ruling	Comments
Kansas	1994	State Supreme Court upheld changes to the funding formula made in 1992 that were prompted by a 1991 preliminary court opinion	Court upheld funding formula, but directed the State to reexamine the district low-enrollment provision of the funding formula; the State has since modified the low-enrollment factor
Maine	1995	State Supreme Court rejected plaintiffs' claims that budget cuts since 1990 violated their constitutional rights to equal education opportunities	In partial response to the filed lawsuit, the legislature rewrote the funding formula in '95 session

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State Constitutions and Public Education Governance

Education Commission of the States
October 1998

Introduction

Almost every state constitution articulates the state's responsibilities for providing an education to its citizens. This report outlines and compares the provisions in each state's constitution that concern public education governance. *Governance* is defined as *who makes what decisions, and in what manner*. In public education, the *who* is everybody from state legislators to parents. The *what* covers everything from standards to professional development. The *in what manner* or *how* is everything from decisions made autonomously to decisions made within a framework established by others.

Summary

Most state constitutions contain at least one of the following provisions:

- Establishing and maintaining a free system of public schools open to all children of the state
- Financing public schools (in varying degrees of detail)
- Separating church and state, usually in two ways:
  - Forbidding any public funds to be appropriated to or used for the support of any sectarian school
  - Requiring public schools to be free from sectarian control
- Creating certain decisionmaking entities (e.g., state board of education, state superintendent of education, local board of education, local superintendent of education); although most state constitutions require at least some of these entities to be in place, they usually do not specify their qualifications, powers and duties

The following table shows which provisions are covered within each state constitution:

State	Establish and Maintain	School Finance	Religion	State Board	State Superintendent	Local Board	Local Superintendent
Alabama	X	X	X	X	X	X	X
Alaska	X		X				
Arizona	X	X	X	X	X		X
Arkansas	X	X					
California	X	X	X	X	X	X	X
Colorado	X	X	X	X	X	X	X
Connecticut	X	X					
Delaware	X	X	X				
Florida	X	X	X	X	X	X	X
Georgia	X	X		X	X	X	X
Hawaii	X		X	X	X		
Idaho	X	X	X	X	X		

State	Establish and Maintain	School Finance	Religion	State Board	State Superintendent	Local Board	Local Superintendent
Illinois	X	X	X	X	X		
Indiana	X	X			X		
Iowa							
Kansas	X	X	X	X	X	X	X
Kentucky	X	X	X				
Louisiana	X	X		X	X	X	X
Maine	X	X					
Maryland	X	X					
Massachusetts	X		X				
Michigan	X		X	X	X		
Minnesota	X		X				
Mississippi	X	X	X	X	X		X
Missouri	X	X	X	X	X		
Montana	X	X	X	X		X	
Nebraska	X	X	X	X	X		
Nevada	X	X	X		X		
New Hampshire	X	X	X				
New Jersey	X	X					
New Mexico	X	X	X	X	X	X	
New York	X		X				
North Carolina	X	X		X	X		
North Dakota	X		X				
Ohio	X	X	X	X	X	X	
Oklahoma	X	X		X	X		
Oregon	X	X			X		
Pennsylvania	X		X				
Rhode Island	X	X					
South Carolina	X		X	X	X		
South Dakota	X	X	X				
Tennessee	X						
Texas	X	X	X	X			
Utah	X	X	X	X	X		
Vermont	X						
Virginia	X	X	X	X	X	X	X
Washington	X	X	X				
West Virginia	X	X		X	X		X
Wisconsin	X	X	X		X		
Wyoming	X	X	X		X		

State-by-State Review

This section presents the details of each state constitution that relate to public education governance.

Alabama

- Requires the legislature to establish, organize and maintain a liberal system of public schools throughout the state for the benefit of the children of the state between the ages of seven and twenty-one years.
- Disallows any money raised for the support of public schools to be appropriated to or used for the support of any sectarian or denominational school.
- Forbids any more than four percent of all moneys raised or appropriated for the support of public schools to be used for the payment of teachers. Allows the legislature, by a vote of two-thirds of each house, to suspend this provision.
- Vests general supervision of Alabama's public schools in a state board of education. Charges the legislature with establishing the method of state board member election. Charges the state board with appointing the state superintendent of education, who shall be the chief state school officer.
- Allows the legislature to provide for the election of local board of education members in certain counties.
- Provides for the election of the superintendent of education in a certain county.

Alaska

- Requires the legislature to establish and maintain a system of public schools open to all children of the state.
- Disallows any money to be paid from public funds for the direct benefit of any religious or other private educational institution.
- Requires that public schools be free from sectarian control.

Arizona

- Requires the legislature to provide for the establishment and maintenance of a general and uniform public school system, which includes kindergarten schools, common schools, high schools, normal schools, industrial schools and a university.
- Requires the legislature to provide for a system of common schools by which a free school is established and maintained in every school district for at least six months in each year and is open to all pupils between the ages of six and twenty-one years.
- Requires that public schools be free from sectarian instruction.
- Vests general conduct and supervision of Arizona's public schools in an appointed state board of education, a state superintendent of public instruction and county school superintendents.
- Establishes the composition and method of appointment of the state board.
- Requires that the state superintendent be a member, and secretary, of the state board.

Arkansas

- Requires the state to maintain a general, suitable and efficient system of free public schools.
- Forbids any money or property belonging to the public school fund, or to the state for the benefit of schools or universities, to be used for any other than for the respective purposes for which it belongs.

California

- Requires the legislature to provide for a system of common schools by which a free school is kept up and supported in each district at least six months in every year.
- Disallows any public money to ever be appropriated for the support of any sectarian or denominational school or any school not under the exclusive control of the officers of the public schools.
- Forbids any sectarian or denominational doctrine to be taught, or instruction to be permitted (directly or indirectly), in any common schools.
- Charges the legislature with providing for the appointment or election of a state board of education and a board of education for each county or for the election of a joint county board of education in two or more counties.

- Creates an elected state superintendent of public instruction. Establishes the method of election and the terms of office for the state superintendent of public instruction.
- Charges the state board of education, on nomination from the superintendent, with appointing one deputy superintendent and three associate superintendents.
- Authorizes the legislature to provide for the incorporation and organization of school districts and high school districts.
- Allows the legislature to authorize the governing boards of all school districts to initiate and carry on any programs or activities which are not in conflict with the laws and purposes for which school districts are established.
- Allows each county to decide how to choose its local superintendent, either through voter election or county school board appointment.
- Requires the county board of education to fix the salary of the county superintendent.
- Allows two or more counties to unite and establish one joint board of education and one joint county superintendent of schools.
- Requires the state board of education to adopt textbooks for use in grades one through eight throughout the state, to be furnished without cost.

Colorado

- Requires the legislature to provide for the establishment and maintenance of a thorough and uniform system of free public schools throughout the state, so that all Colorado residents, between the ages of six and twenty-one years, may be educated gratuitously.
- Forbids any appropriation or payment from any public fund in aid of any church or sectarian society, for any sectarian purpose or to help support or sustain any school, academy, seminary, college, university or other literary or scientific institution controlled by any church or sectarian denomination. Forbids any grant or donation of land, money or other personal property to be made by the state to any church or for any sectarian purpose.
- Requires public schools to be free from sectarian instruction.
- Vests general supervision of the public schools in an elected board of education. Specifies the composition of the state board. Charges the state board with appointing a state commissioner of education.
- Charges the legislature with providing for the organization of school districts, in each of which shall be established a board of education to consist of three or more elected directors, who will have control of instruction in the public schools of their respective districts.
- Requires one or more public schools to be maintained in each school district for at least three months in each year. Allows the legislature to require that every child of sufficient mental and physical ability between the ages of six and eighteen attend the public school for a time equivalent to three years, unless educated by other means.
- Allows for a superintendent of schools in each county. Establishes the terms of office for county superintendents of schools. Allows each county's electors to abolish this office.
- Forbids the legislature or the state board from prescribing textbooks to be used in the public schools.

Connecticut

- Requires the legislature to provide free public elementary and secondary schools.
- Disallows any laws to ever be made which authorize the school fund to be diverted to any other use than the encouragement and support of public schools.

Delaware

- Requires the legislature to provide for the establishment and maintenance of a general and efficient system of free public schools.
- Disallows any property tax receipts received by a public school district as a result of a property tax levied for a particular purpose to be used for any other purpose except upon the favorable vote of a majority of the eligible voters in the district voting on the question.
- Forbids any funds raised for educational purposes to be appropriated to or used by or in aid of any sectarian, church or denominational school.
- Allows the legislature to provide for the transportation of students of nonpublic, nonprofit elementary and high schools
- Allows the legislature to require that every child attend public school, unless educated by other means

Florida

- Requires the legislature to adequately provide for a uniform system of free public schools.
- Forbids any revenue of the state to be taken from the public treasury directly or indirectly in aid of any church, sect or religious denomination or in aid of any sectarian institution.
- Provides that the governor and the members of his or her cabinet constitute the state board of education, which shall be a body corporate and have supervision of the system of public education.
- Creates an elected state commissioner of education, who shall supervise the public education system and be a member of the governor's cabinet.
- Provides that each county constitutes a school district. Allows two or more contiguous counties, upon vote of the electors of each county, to be combined into one school district.
- Requires that there shall be, in each school district, a school board composed of five or more members chosen by vote of the electors for appropriately staggered terms of four years. Charges the school board with operating, controlling and supervising all free public schools within the school district and determining the rate of school district taxes within prescribed limits. Allows two or more school districts to operate and finance joint educational programs.
- Provides for an elected superintendent of schools in each school district. Allows a school district, either through a district school board resolution, special law or vote of the electors, to change from an elected superintendent to and appointed superintendent. Establishes the terms of office for the district school superintendents.

Georgia

- Requires that the provision of an adequate public education for Georgia citizens be a primary obligation of the state, free and provided for by taxation.
- Requires that school tax funds be expended only for the support and maintenance of public schools, public vocational-technical schools and public education.
- Provides for a state board of education, to be appointed by the governor and confirmed by the senate. Establishes the terms of office for state board members.
- Provides for an elected state school superintendent, who shall be the executive officer of the state board.
- Requires each school system to be under the management and control of an elected board of education. Charges each local board of education with appointing a school superintendent, who shall be the executive officer of the local board of education.
- Grants authority to county and area boards of education to establish and maintain public schools within their limits.
- Allows the legislature to provide for the consolidation of two or more school systems, although no consolidation becomes effective until a majority of voters in each school system approves it.
- Allows two or more boards of education to contract with each other for the care, education and transportation of pupils.
- Allows the legislature to provide for the sharing of facilities or services by and between local boards of education under such joint administrative authority as may be authorized.
- Allows the legislature to provide for special schools and the participation of local boards of education in the establishment of such schools, although a majority of the voters must approve any bonded indebtedness or school tax levy.

Hawaii

- Requires the state to provide for the establishment, support and control of a statewide system of public schools.
- Disallows public funds to be appropriated for the support or benefit of any sectarian or private educational institution, with certain exceptions.
- Requires that public schools be free from sectarian control.
- Creates an elected state board of education. Specifies the composition and the method of election of the state board. Charges the state board with formulating statewide educational policy and appointing the state superintendent of education, who shall be the chief executive officer of the public school system.
- Requires the state to provide for a Hawaiian education program consisting of language, culture and history in the public schools. Encourages the use of community expertise as a suitable and essential means in furtherance of the Hawaiian education program.

Idaho

- Requires the legislature to establish and maintain a general, uniform and thorough system of public, free common schools.
- Forbids any appropriation or payment from any public fund in aid of any church or sectarian or religious society, for any sectarian or religious purpose or to help support or sustain any school, academy, seminary, college, university or other literary or scientific institution controlled by any church, sectarian or religious denomination. Forbids any grant or donation of land, money or other personal property by the state to any church or for any sectarian or religious purpose.
- Requires that public schools be free from sectarian instruction.
- Vests general supervision of state educational institutions and the public school system in a state board of education. Requires that the state superintendent of public instruction be an ex officio member of the state board.
- Allows the legislature to require that every child attend the public schools throughout the period between the ages of six and eighteen, unless educated by other means.

Illinois

- Requires the state to provide for an efficient system of high quality public educational institutions and services and a free education in public schools through the secondary level.
- Provides that the state has the primary responsibility for financing the system of public education.
- Forbids any appropriation or payment from any public fund in aid of any church or sectarian purpose or to help support or sustain any school, academy, seminary, college, university or other literary or scientific institution controlled by any church or sectarian denomination. Forbids any grant or donation of land, money or other personal property by the state to any church or for any sectarian purpose.
- Creates a state board of education. Allows the state board to establish goals, determine policies, provide for planning and evaluating education programs and recommend financing. Charges the state board with appointing the chief state educational officer.

Indiana

- Requires the legislature to provide for a general and uniform system of common schools, which shall be free and equally open to all.
- Requires that the income of the common school fund be inviolably appropriated to the support of common schools and to no other purpose whatever.
- Creates a state superintendent of public instruction.

Iowa

- According to an official at the Iowa Department of Education, the state of Iowa removed the education section from the Iowa Constitution and placed it in the Iowa statutes in 1864.

Kansas

- Requires the legislature to establish and maintain public schools, educational institutions and related activities.
- Forbids any religious sect or sects from controlling any part of the public educational funds.
- Charges the legislature with providing for an elected state board of education, which shall have general supervision of public schools, educational institutions and all the educational interests of the state. Establishes the number of state board members. Charges the state board with appointing a state superintendent of public instruction, who shall be the state board's executive officer.
- Requires that local public schools under the general supervision of the state board of education be maintained, developed and operated by locally elected boards. Allows these local boards, under certain conditions, to make and carry out agreements for cooperative operation and administration of educational programs.
- Disallows any state superintendent of public instruction or county superintendent of public instruction to be elected

Kentucky

- Requires the legislature to provide for an efficient system of common schools throughout the state.
- Forbids any monies raised or levied for educational purposes to be appropriated to or used by or in aid of any church, sectarian or denominational school.

Louisiana

- Requires the legislature to provide for the education of the people of the state and establish and maintain a public educational system.
- Creates a state board of elementary and secondary education to supervise and control the public elementary and secondary schools, vocational technical training and other special schools. Establishes the terms of office and the methods for appointing and electing state board members.
- Provides that the state board shall have no control over the business affairs of a parish or city school board or the selection or removal of its officers and employees.
- Allows the state board to approve a private school with a sustained curriculum or specialized course of study of quality at least equal to that prescribed for similar public schools. Provides that a certificate issued by an approved private school carries the same privileges as one issued by a state public school.
- Provides for an elected superintendent of education for public elementary and secondary education.
- Requires the legislature to create parish school boards and provide for the election of their members. Charges each parish board with electing a superintendent of parish schools.
- Allows any two or more school systems to be consolidated, subject to approval by a majority of the voting electors in each system affected.
- Requires the legislature to appropriate funds to supply free school books and other materials of instruction prescribed by the state board.

Maine

- Authorizes the legislature to require towns to make suitable provision, at their own expense, for the support and maintenance of public schools.
- Authorizes the legislature to encourage and suitably endow all academies, colleges and seminaries of learning within the state.

Maryland

- Requires the legislature to provide for the establishment of a thorough and efficient system of free public schools and to provide by taxation for their maintenance.
- Provides that the school fund be kept inviolate and appropriated only to the purposes of education.

Massachusetts

- Requires the legislatures and magistrates to cherish the interests of literature and the sciences and all seminaries of them, especially the university at Cambridge, public schools and grammar schools in the towns. Requires the legislatures and magistrates to encourage private societies and public institutions for the promotion of agriculture, arts, sciences, commerce, trades, manufactures and a natural history of the country.
- Forbids any grant, appropriation or use of public money or property or loan of credit to be made or authorized by the Commonwealth for the purpose of founding, maintaining or aiding any infirmary, hospital, institution, primary or secondary school or charitable or religious undertaking which is not publicly owned and under the exclusive control, order and supervision of public officers or public agents authorized by the Commonwealth or federal authority or both. Disallows any such grant, appropriation or use of public money or property or loan of public credit to be made or authorized for the purpose of founding, maintaining or aiding any church, religious denomination or society.

Michigan

- Requires the legislature to maintain and support a system of free public elementary and secondary schools.
- Forbids any public monies or property to be appropriated or paid or any public credit utilized by the legislature or any other political subdivision or agency directly or indirectly to aid or maintain any private, denominational or other nonpublic pre-elementary, elementary or secondary school.
- Disallows any payment, credit, tax benefit, exemption or deduction, tuition voucher, subsidy, grant or loan of public monies or property to be provided, directly or indirectly, to support the attendance of any student or the employment of any person at any nonpublic school or at any location or institution where instruction is offered in whole or in part to nonpublic school systems.
- Vests leadership and general supervision over all public education in an elected state board of education. Establishes the number, method of election and terms of office of state board members. Charges the state board with appointing a state superintendent of public instruction, who shall be the chairman of the state board, the principal executive officer of a state department of education and responsible for the execution of the state board's policies.
- Allows the legislature to provide for the transportation of students to and from any school.

Minnesota

- Requires the legislature to establish a general and uniform system of public schools and make such provisions by taxation or otherwise as will secure a thorough and efficient system of public schools throughout the state.
- Forbids any public money or property to be appropriated or used for the support of schools wherein the distinctive doctrines, creeds or tenets of any particular Christian or other religious sect are promulgated or taught.

Mississippi

- Requires the legislature to provide for the establishment, maintenance and support of free public schools.
- Disallows any funds to be appropriated toward the support of any sectarian school or to any school that at the time of receiving such appropriation is not conducted as a free school.
- Requires that public schools be free from sectarian control.
- Creates an appointed state board of education. Establishes the method of appointment and terms of office for state board members. Delineates the state board's responsibilities. Charges the state board, with the advice and consent of the senate, with appointing a state superintendent of public education and a superintendent of public education in each county.
- Allows the legislature to make the office of county school superintendent elective, discharge the duties of county superintendent or abolish the office of county school superintendent.

Missouri

- Requires the legislature to establish and maintain free public schools for the gratuitous instruction of all persons in the state within ages not in excess of twenty-one years.

- Forbids any appropriation or payment from any public fund in aid of any religious creed, church or sectarian purpose or to help support or sustain any private or public school, academy, seminary, college, university or other institution of learning controlled by any religious creed, church or sectarian denomination. Forbids any grant or donation of personal property or real estate by the state for any religious creed, church or sectarian purpose.
- Vests the supervision of instruction in the public schools in a state board of education, with its members appointed by the governor by and with the advice and consent of the senate. Sets the terms of office for state board members. Requires that there are never more than four members of the same political party on the state board. Charges the state board with selecting and appointing a commissioner of education.

Montana

- Requires the legislature to provide a basic system of free quality public elementary and secondary schools.
- Disallows any direct or indirect appropriation or payment from any public fund or monies or any grant of lands or other property for any sectarian purpose or to aid any church, school, academy, seminary, college, university or other literary or scientific institution controlled in whole or in part by any church, sect or denomination.
- Requires that public schools be free from sectarian instruction.
- Creates a state board of education, to be composed of the board of regents of higher education and the board of public education. Holds the state board responsible for long-range planning and for coordinating and evaluating policies and programs for the state's educational systems.
- Creates a board of public education to exercise general supervision over the public school system, to be composed of the governor, the commissioner of higher education, the state superintendent of public instruction and seven members appointed by the governor and confirmed by the senate.
- Requires that the supervision and control of schools in each school district be vested in an elected board of trustees.

Nebraska

- Requires the legislature to provide for the free instruction in the state's common schools of all persons between the ages of five and twenty-one years.
- Forbids the appropriation of public funds to any school or institution of learning not owned or exclusively controlled by the state. Disallows the state from accepting money or property to be used for sectarian purposes.
- Allows the legislature to authorize the state to contract with institutions not wholly owned or controlled by the state for the provision of educational or other services for the benefit of children under the age of twenty-one years who are handicapped, if such services are nonsectarian in nature.
- Requires that public schools be free from sectarian instruction.
- Creates the state department of education, to be composed of the state board of education and the commissioner of education. Provides that the state department has general supervision and administration of the school system of the state.
- Creates an elected state board of education, to be composed of eight members. Establishes the terms of office for state board members. Charges the state board with appointing the commissioner of education, who shall be the executive officer of the state board and the administrative head of the state department of education.

Nevada

- Requires the legislature to provide for a uniform system of common schools, by which a school shall be established and maintained in each school district at least six months in every year.
- Disallows public funds of any kind or character to be used for sectarian purposes.
- Forbids any sectarian instruction to be imparted or tolerated in any school or university that is established under the Nevada Constitution.
- Provides that any school district which allows instruction of a sectarian character may be deprived of its proportion of the interest of the public school fund during such neglect or infraction.
- Requires the legislature to provide for a superintendent of public instruction.
- Allows the legislature to pass such laws as will secure a general attendance of the children at the public schools in each school district.

New Hampshire

- Requires the legislature to cherish all seminaries and public schools, and to encourage private and public institutions for the promotion of agriculture, arts, sciences, commerce, trades, manufactures and the natural history of the country.
- Forbids the state from mandating or assigning any new, expanded or modified programs or responsibilities to any political subdivision in such a way as to necessitate additional local expenditures by the political subdivision unless such programs or responsibilities are fully funded by the state or unless such programs or responsibilities are approved for funding by a vote of the local legislative body of the political subdivision.
- Disallows any money raised by taxation to ever be granted or applied for the use of the schools or institutions of any religious sect or denomination.

New Jersey

- Requires the legislature to provide for the maintenance and support of a thorough and efficient system of free public schools for the instruction of all the children in the state between the ages of five and eighteen years.
- Forbids the legislature from diverting the public school fund from the support of the public schools.
- Allows the legislature to provide for the transportation of children between the ages of five to eighteen years inclusive to and from any school.

New Mexico

- Requires that a uniform system of free public schools sufficient for the education of, and open to, all the children of school age in the state be established and maintained.
- Forbids any money appropriated, levied or collected for educational purposes to be used for the support of any sectarian, denominational or private school.
- Creates a state board of education to determine, control, manage and direct public school policy and vocational educational policy. Sets the terms of office for state board members, some of whom are elected and some of whom are appointed by the governor with the consent of the senate. Charges the state board with appointing a superintendent of public instruction to direct the state department of public education.
- Requires the legislature to provide for the training of teachers in the normal schools or otherwise so they become proficient in both the English and Spanish languages and are able teach Spanish-speaking pupils and students in the public schools and educational institutions of the state. Requires the legislature to provide proper means and methods to facilitate the teaching of the English language and other branches of learning to such pupils and teachers.
- Allows those local school districts having a population of more than two hundred thousand to choose to have a local school board composed of seven members, who must be residents of and elected from single member districts.
- Provides for the recall of any elected local school board member by the voters of a local school district.
- Provides that every child of school age and of sufficient physical and mental ability be required to attend a public or other school.

New York

- Requires the legislature to provide for the maintenance and support of a system of free common schools, wherein all the children of the state may be educated.
- Forbids the state from using its property or credit or any public money or authorizing or permitting either to be used directly or indirectly in aid or maintenance of any school or institution of learning wholly or in part under the control or direction of any religious denomination or in which any denominational tenet or doctrine is taught.
- Allows the legislature to provide for the transportation of children to and from any school or institution of learning.

North Carolina

- Requires the legislature to provide by taxation and otherwise for a general and uniform system of free public schools, which shall be maintained at least nine months in every year and wherein equal opportunities shall be provided for all students.

- Requires that the state school fund and the county school funds be faithfully appropriated and used exclusively for establishing and maintaining a uniform system of free public schools.
- Creates a state board of education to supervise and administer the free public school system and the educational funds provided for its support. Requires that the state board consist of the Lieutenant Governor, the Treasurer and eleven members appointed by the governor and subject to confirmation by the legislature in a joint session. Establishes the methods of appointment and terms of office for state board members.
- Creates a state superintendent of public instruction, who shall be the secretary and chief administrative officer of the state board.

North Dakota

- Requires the legislature to make provision for the establishment and maintenance of a system of public schools which shall be open to all the state's children.
- Requires the legislature to provide for a uniform system of free public schools throughout the state.
- Disallows any money raised for the support of public schools to be appropriated to or used for the support of any sectarian school.
- Requires that public schools be free from sectarian control.

Ohio

- Requires the legislature to make such provision, by taxation or otherwise, as will secure a thorough and efficient system of common schools throughout the state.
- Requires that provisions be made by law for the organization, administration and control of the public school system of the state supported by public funds.
- Forbids any religious or other sect from having any exclusive right to, or control of, any part of the school funds of the state.
- Creates a state board of education. Charges the legislature with establishing the method of selection and terms of office for state board members. Charges the state board with appointing a state superintendent of public instruction.
- Authorizes each school district to determine by referendum vote the number of members and the organization of the district board of education.

Oklahoma

- Requires the legislature to establish and maintain a system of free public schools wherein all the state's children may be educated.
- Vests the supervision of instruction in the public schools in a state board of education. Requires the state superintendent of public instruction to be the president of the state board.
- Requires the legislature to provide for a system of textbooks for the common schools. Requires the state to furnish such textbooks free of cost for use by all the pupils of the common schools. Requires the legislature to authorize the governor to appoint a committee composed of active educators of the state, whose duty it shall be to prepare official multiple textbook lists from which textbooks for use in common schools shall be selected by committees composed of active educators in the local school districts in a manner to be designated by the legislature.
- Requires the legislature to provide for the teaching of the elements of agriculture, horticulture, stock feeding and domestic science in the common schools.
- Requires that the legislature provide for the compulsory attendance at some public or other school of all the children between the ages of eight and sixteen years for at least three months in each year.

Oregon

- Requires the legislature to provide for the establishment of a uniform and general system of common schools.
- Charges the legislature with providing for the election of a state superintendent of public instruction.

Pennsylvania

- Requires the legislature to provide for the maintenance and support of a thorough and efficient system of public education to serve the needs of the Commonwealth.
- Forbids any money raised for the support of the public schools to be appropriated to or used for the support of any sectarian school.

Rhode Island

- Requires the legislature to promote public schools and to adopt all means which it may deem necessary and proper to secure to the people the advantages and opportunities of education.
- Forbids the legislature from diverting the school fund from the support of the public schools.

South Carolina

- Requires the legislature to provide for the maintenance and support of a system of free public schools open to all children.
- Forbids any money to be paid from public funds for the direct benefit of any religious or other private educational institution.
- Creates a state board of education, all of whose members are elected (except a member appointed by the governor).
- Creates a state superintendent of education, who shall be the chief administrative officer of the public education system.

South Dakota

- Requires the legislature to establish and maintain a general and uniform system of public schools, equally open to all and wherein tuition shall be without charge.
- Disallows any appropriation of lands, money or other property or credits to aid any sectarian school by the state. Forbids the state to accept any grant, conveyance, gift or bequest of lands, money or other property to be used for sectarian purposes.
- Requires that public schools be free from sectarian instruction.
- Allows the legislature to authorize the loaning of nonsectarian textbooks to all children of school age.

Tennessee

- Requires the legislature to provide for the maintenance, support and eligibility standards of a system of free public schools.

Texas

- Requires the legislature to establish and make suitable provision for the support and maintenance of an efficient system of public free schools.
- Disallows any part of the public school fund to ever be appropriated to or used for the support of any sectarian school.
- Provides for the support of public schools for not less than six months in each year.
- Requires the legislature to provide for a state board of education and establish the terms of office for each board member.
- Requires the legislature to set the terms of all offices of the public school system not to exceed six years.
- Charges the state board with providing free textbooks for children attending the public schools.

Utah

- Requires the legislature to provide for the establishment and maintenance of a public education system, which shall include all public elementary and secondary schools, be open to all children of the state and free (except that the legislature may authorize the imposition of fees in secondary schools).

- Disallows any appropriations for the direct support of any school or educational institution controlled by any religious organization.
- Requires that the public education system be free of sectarian control.
- Vests the general control and supervision of public education in an elected state board of education.
- Charges the state board with appointing a state superintendent of public instruction.

Vermont

- Provides that a competent number of schools ought to be maintained in each town unless the general assembly permits other provisions for the convenient instruction of youth.

Virginia

- Requires the legislature to provide for a system of free public elementary and secondary schools for all children of school age and to seek to ensure that an educational program of high quality is established and maintained.
- Allows the legislature to provide for the establishment, maintenance and operation of any educational institutions which are desirable for the intellectual, cultural and occupational development of the people.
- Disallows any appropriation of public funds to any school or institution of learning not owned or exclusively controlled by the state or some political subdivision. Allows the state to appropriate funds for educational purposes in public and nonsectarian private schools and institutions of learning.
- Vests the general supervision of the public school system in a state board of education, to be composed of nine members appointed by the governor and subject to confirmation by the legislature. Establishes the terms of office for state board members. Prescribes the powers and duties of the state board.
- Creates a state superintendent of public instruction, who shall be an experienced educator, appointed by the governor and subject to confirmation by the legislature. Allows the legislature to alter the method of selection and term of office for the state superintendent of public instruction.
- Vests the supervision of schools in each school division in a school board.
- Requires the state board to certify to the school board of each division a list of qualified persons for the office of division superintendent of schools, one of whom shall be selected to fill the post by the division school board. Charges the state board with appointing a division superintendent if a division school board fails to select a division superintendent within the time prescribed by law.
- Requires the state board to periodically determine and prescribe standards of quality for school divisions, subject to revision only by the legislature.
- Authorizes the state board to approve textbooks and instructional aids and materials for use in courses in the public schools.
- Requires the legislature to ensure that textbooks are provided at no cost to each child attending public school whose parent or guardian is financially unable to furnish them.
- Charges the legislature with providing for the compulsory elementary and secondary education of every eligible child of appropriate age.

Washington

- Requires the legislature to provide for a general and uniform system of public schools.
- Requires that the entire revenue derived from the common school fund and the state tax for common schools be exclusively applied to the support of the common schools.
- Requires that all schools maintained or supported wholly or in part by the public funds be forever free from sectarian control or influence.

West Virginia

- Requires the legislature to provide for a thorough and efficient system of free schools.
- Vests the general supervision of the free schools in the state board of education, to be composed of nine members appointed by the governor by and with the advice and consent of the senate. Forbids any more than five members of the state board from belonging to the same political party. Establishes the terms of office and the grounds for removal from

office for state board members. Charges the state board with selecting the state superintendent of free schools, who shall be the chief school officer of the state.
- Allows the legislature to provide for county superintendents and such other officers as may be necessary.

Wisconsin

- Requires the legislature to provide for the establishment of district schools, which shall be as nearly uniform as practicable and free and without charge for tuition for all children between the ages of four and twenty years.
- Forbids any money to be drawn from the treasury for the benefit of religious societies or religious or theological seminaries.
- Disallows any sectarian instruction in district schools. Allows the legislature, for the purpose of religious instruction outside the district schools, to authorize the release of students during regular school hours.
- Allows the legislature to provide for the transportation of children to and from any parochial or private school or institution of learning.
- Allows the legislature to authorize, by law, the use of public school buildings by civic, religious or charitable organizations during nonschool hours upon payment by the organization to the school district of reasonable compensation for such use.
- Vests the supervision of public instruction in an elected state superintendent of public instruction. Prescribes the method of election and the term of office for the state superintendent of public instruction.

Wyoming

- Requires the legislature to provide for the establishment and maintenance of a complete and uniform system of public instruction.
- Requires the legislature to create and maintain a thorough and efficient system of public schools, adequate to the proper instruction of all youth of the state between the ages of six and twenty-one years and free of charge.
- Forbids any portion of any public school fund to ever be used to support or assist any private school or any school, academy, seminary, college or other institution of learning controlled by any church or sectarian organization or religious denomination.
- Requires that public schools be free from sectarian instruction.
- Provides for the support of public schools for not less than three months in each year.
- Entrusts the general supervision of the public schools to the state superintendent of public instruction.
- Charges the legislature with requiring every child of sufficient physical and mental ability to attend a public school during the period between six and eighteen years for a time equivalent to three years, unless educated by other means.
- Forbids the legislature and the state superintendent of public instruction from prescribing textbooks to be used in the public schools.

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STATES WITH "NO PASS/NO DRIVE" RESTRICTIONS
September 1998

Typically, if a high school student under the compulsory attendance age misses a certain number of consecutive days, (i.e., 10 in West Virginia and Georgia) without an acceptable excuse or 15 unexcused days in one semester, the school notifies the Motor Vehicle Department. This department then sends a notice or license suspension to the student. If the student does not surrender the license by the 30th day following notification, a police officer picks it up. To qualify for reissuance, the student must pay a fee and fulfill a probationary attendance period, typically of four weeks to one semester.

Eighteen states currently have laws establishing school attendance as a prerequisite to obtaining or retaining driving privileges.

Alabama *
Arkansas
California (permits juvenile court to suspend, restrict, or delay license if student is a habitual truant and a ward of the court)
Florida (Florida allowed their initial legislation to sunset in 1996 and reinstated it in 1997)
Georgia **
Illinois (students cannot take driver training, which is required to obtain a driver's license)
Indiana
Idaho
Kentucky ***
Mississippi
North Carolina (must be in school and making progress toward obtaining a high school diploma or its equivalent)
Ohio
South Carolina (school attendance is conditional to issuance of a provisional driver's license)
Tennessee *** (was revised in 1996 to include "satisfactory academic progress" as a requirement. Students must receive "a passing grade in at least three full unit subjects or their equivalency.")
Texas
Virginia ***(was revised in 1996 to include "good academic standing" as a requirement.)
West Virginia (first state, 1988)
Wisconsin (allows county, city, or town to enact ordinance prohibiting suspension)

* Alabama also suspends the driving privileges of any person over the age of fourteen who is convicted of possession of a pistol on school premises or on a school bus.

** Georgia passed the Teenage and Adults Responsibilities Act which allows for the suspension of a driver's license for any student that has been suspended for threatening, striking or causing bodily harm to a school official, possession of drugs or alcohol on school property, or possession or use of a weapon on school property.

*** Kentucky, Tennessee and Virginia are the only three states to use both attendance and academic criteria as a basis for suspending a driver's license. All other states use attendance only.

Note: Louisiana repealed its school attendance provision in 1997. 92

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STATEWIDE MANDATES ON STUDENT EXTRACURRICULAR ELIGIBILITY

("No Pass/No Play")

December 1998

Source: ECS Information Clearinghouse

Alabama's state athletic association approved new rules in 1987 which became a requirement for the local school districts in the 1988-89 school year. Under these rules, any junior or senior high school student whose grades in five classes average below a score of 70 was barred from participating in extracurricular activities. *****Various other states likewise leave ruling on eligibility to state athletic associations. Alabama's policy is listed here as an example of a mandate established by a non-legislative body; however, only a sampling of other such states will be included in this report.*****
In 1998, to address complaints from coaches that the previous policy held athletes to a higher standard than other students in extracurricular activities, the state board adopted a new mandatory policy. Extracurricular Activity Participation -- Academics First states "activities offered by the school through math, science, band, choral music, and other courses at events such as athletic events (pregame, game, half time, or other breaks), club conventions, parades, amusement park trips and competitions, trips by tour companies, performances at various meetings, etc., are extracurricular, and students academically ineligible under this policy shall not be allowed to participate." This policy becomes effective for all students in grades 8-12 beginning with the 1999-2000 school year.

Arizona's state board of education sets minimum eligibility requirements, to "be based on the number of courses passed or failed, on grades received or on a combination of these factors," and "[may incorporate additional factors." Local boards, in cooperation with teachers and parents, must adopt standards for students in grades 7-12 (and 6, if in a middle school), which meet or exceed those established by the state board. 15-705

Arkansas school councils may choose "extracurricular programs" and determine policies regarding academic and attendance requirements for participation. 6-13-1306

California school districts maintaining one or more schools serving children in any of grades 7-12 must adopt an eligibility policy that such children will be eligible to take part in extracurricular and cocurricular activities only after "satisfactory educational progress in the previous grading period." " Satisfactory educational progress" includes, but is not limited to, "at least a 2.0 grade point average in all enrolled courses on a 4.0 scale", and "[m]aintenance of minimum progress toward meeting the high school graduation requirements prescribed by the governing board." 35160.5

Colorado's state high school activities association offers districts the option of creating more demanding eligibility requirements, but demands that students take at least five courses and be failing no more than one, or that they pass at least five classes.

Florida requires students to "maintain a grade point average of 1.5 on a 4.0 scale, or its equivalent, and must pass five subjects for the grading period immediately preceding participation." Students not required to attend a full day of school "must maintain a 1.5 grade point average and pass each class for which he or she is enrolled." 232.425

Georgia youth must currently answer to both the state school board and the state school activities association, although both entities have the same ruling, that students pass five courses in the preceding grading term (semester or quarter, depending on the district), and be taking five courses in the period of participation, to be eligible. Second- through fourth-year high school students need to be "on track," which means that second-year high-school students need to have earned three Carnegie units ("Carnegie Unit" is "one unit of credit awarded for a minimum of 150 clock hours of instruction"); third-year high-school students need to have earned 9 Carnegie units; and fourth-year high-school students need to have earned 15 Carnegie units in order to be eligible to participate in extracurricular activities. The state board of education will consider altering the system at their November meeting, so that students would need to consult only the Georgia School Activities Association.

Hawaii's Department of Education requires students to have at least a 2.0 grade point average in order to be eligible to participate in extracurricular activities.

Illinois requires school boards to establish, implement, and enforce a uniform and consistent policy under which a 9-12-grade student who fails to maintain a specified minimum grade point average or specified minimum grade in each course in which enrolled or both is suspended from further participation in any school-sponsored or school-sponsored athletic or extracurricular activity until a specified grade point average or minimum grade or both are earned by the student. Policy is effective beginning with the 1998-99 school year. School districts are required to file a report to the state board in which they set forth the number and length of suspensions imposed under the policy during the period covered by the report. 105 ILCS 5/10-20.30.

Iowa mandates that local boards or governing powers of schools or school districts "establish...policies on extracurricular activities." 280.14

Kentucky schools must each maintain a school council comprised of parents, teachers, and the school principal or administrator, among whose duties it is to choose "extracurricular programs" and decide upon students' eligibility requirements for participation in such programs. 160.345

Louisiana requires that city and parish school system superintendents see to it that middle, junior high, and high school faculties and principals "take all actions necessary or appropriate to upgrade the academic standards of student athletes such that each such athlete, to the extent possible, accomplishes his maximum potential in academic endeavors while participating in interscholastic activities", and adds that the state board of education require adherence to the LHSAA 1984 Scholastic Rule by all applicable schools, and maintain or upgrade the association's rules when necessary. 17.176

Mississippi's state board of education and high school activities association insist that students pass a minimum of five courses that count towards graduation, or that, when under block scheduling, they pass three out of four classes, maintaining averages of 70 percent or better in each of those courses.

Notes to **Montana**'s article securing inalienable rights point to a state supreme court case upholding a district's power to require participants in extracurricular activities to maintain a 2.0 grade point average, determining that "the right to extracurricular participation is not enumerated in the constitutional Declaration of Rights; and (2) government interests in developing the full educational potential in each person and providing a basic system of quality public education by enactment of the 2.0 rule outweigh a student's interest in participating in existing extracurricular activities." Art. II *a.* 3

New Mexico students must "have a 2.0 grade point average on a 4.0 scale, or its equivalent, either cumulatively or for the grading period immediately preceding participation, in order to be eligible to participate in any interscholastic extracurricular activity." 22-12-2.1

New York district boards of education "may establish reasonable academic standards for student eligibility to attend or participate in extracurricular activities," and "may require a reasonable standard of academic performance for eligibility to participate in athletics." 1709, Notes 29

North Carolina's "[l]ocal boards of education shall make all rules and regulations necessary for the conducting of extracurricular activities in the schools under their supervision, including a program of athletics, where desired, without assuming liability therefor; provided, that all interscholastic athletic activities shall be conducted in accordance with rules and regulations prescribed by the State Board of Education." 115C-47
In addition, the state high school activities association requires students to pass 5 out of 6 courses each semester in traditional scheduling programs, or 3 out of 4 classes in block-scheduling programs.

Tennessee requires students, through its Secondary School Athletic Association, to have passed five subjects in the previous grading period to be considered eligible.

Texas mandates that any student who receives a grade below 70 on a scale of 100 in a non-honors or advanced class will be suspended from participation in any extracurricular activity for at least three weeks, until the student's grade in each class is at or above 70 percent on a scale of 100. "A suspension does not last beyond the end of a school year." However, under (f), "a student suspended under this section may practice or rehearse with other students for an extracurricular activity but may not participate in a competition or other public performance." 33.081

Washington permits and requires school district boards of directors "to control, supervise and regulate the conduct of interschool athletic activities and other interschool extracurricular activities of an athletic, cultural, social or recreational nature for students of the district. A board of directors may delegate control, supervision and regulation of any such activity to the Washington Interscholastic Activities Association or any other voluntary nonprofit entity and compensate such entity for services provided" under certain conditions. 28A.600.200

West Virginia upheld its state board of education's requirement that students maintain a 2.0 grade point average to be eligible to participate in nonacademic extracurricular activities, regarding it as "a legitimate exercise of its power of 'general supervision' over the state's educational system [.]" The court decision ruling likewise considered a "county board of education's promulgation of a rule requiring students to receive passing grades in all of their classes, in addition to the state board of education's 2.0 grade point average rule" a lawful "exercise of its power of 'control, supervision and regulation' of nonacademic extracurricular activities under @18-2-25[.]" Notes to 18-2-5, 18-2-23, respectively.

Clearinghouse Notes are multi-state policy compilations.

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STATE CLASS SIZE REDUCTION MEASURES

ECS Information Clearinghouse, March 1998

The following table targets states that have attempted to limit the teacher/student ratio to 20 or fewer students per teacher. However, several "marginal" class size reduction measures that do not meet that ratio also are included.

State	Category (type)	Year Enacted	Description	Notes	Funding
AL	mandate	1997 amended 1998	State board resolution sets a timetable and limits. K-3, 18 students per teacher	Classes with aides reviewed as an exception by the state supt. of education	Through the 1995 Foundation Program Plan
CA	voluntary/ incentive Cal. Chap 6.10, §52120	1996	Legislation authorized formation of smaller classes and provided funding for those schools choosing to do so. Initial targets: 20 in K-3; grade 4 added in 97-98 Additional $200 million for 8,000 additional classrooms, either through remodeling or use of portables. The appropriation for new facilities is a one-time provision, while class-size reduction funds are expected to be included annually in the state budget.	Legislation also mandated independent evaluation by 3-28-98. Approximately 20,000 new teachers were needed to accommodate the smaller class sizes, which prompted the governor to sign a bill relaxing teacher certification requirements. Raises concerns about districts hiring unqualified teachers. Other unintended consequences: a surge of teachers moving from "less-advantaged" to more desirable districts to fill newly created staff positions; a shortage of substitute teachers; supervision and training of non-certificated teachers, creating a problem for higher education teacher training programs	$1 billion 96-97 ($650 per student in smaller classes), $200 million for facilities $1.5 billion 97-98 ($800 per student)
FL	voluntary No law, just funding	1996	Targets K-3 classrooms with a priority to Kindergarten and 1st grade; 20 students per teacher or 20+ (no more than 30 students) if a full-time aide is provided		1997-98 funding: $100,000,000
IL	voluntary/ grants 105 Ill Comp Stat 5/2-3.51	1997	Reading Improvement Block Grant Program authorized grants to improve reading instruction through several measures, one of which is to reduce class size K-3.		

State	Category (type)	Year Enacted	Description	Notes	Funding
IN	pilot initially Ind. Code §21-1-29-1 statewide 88-89 Ind. Code §§1-1-30-1 to 1-1-30-9	1981 1988	"Prime Time" program 88-89: 18 students in Kindergarten, 1st grade 20 students, 2nd, 3rd	Teachers have reported improved student behavior, higher test scores and more efficient classrooms. However, program evaluations indicate a weak relationship between lower class size and student achievement, but significant improvement in teachers' morale and attitudes.	Through funding formula 1995: $77 million
LA	mandate LA Rev. Stat. Ann. §17:174	1986	K-3 classes not to exceed 20 unless authorized in writing by the state superintendent.	Students above the maximum not to be counted for funding purposes. No provision of this measure to take effect until funds appropriated specifically by the legislature.	unknown
ME	voluntary/ grants ME. Rev. Stat. Ann. tit. 20, §4252	1989	Local units may elect to target class size within one or more grades, K-3. Recommendation of 15 to 1, with a maximum of 18 to 1.		competitive grant program
NC	voluntary N.C. Gen. Stat. §115C-301	1993 1995, 1997	Measure targeted to K-2, with a 1:23 ratio. Pilot in Burke County Schools, 1991+	Funded 1:23 for each grade, but allowing administrative units to use dollars to reduce K-2 or to hire reading teachers within K-2 or otherwise reduce the ratio within kindergarten through 2nd.	foundation
NV	mandate Nev. Rev. Stat. §388.700	1989 revised 1993, 1995	Legislature limited class size in K-3 to 15 (core subjects) School districts and licensed personnel association(s) must develop plan to reduce class sizes in grades 1-3 within limits of available financial support.	Legislature appropriated $450,000 for professional development. A questionnaire revealed that principals, teachers and parents believe smaller class sizes are associated with new teaching practices, increased teacher-student interaction, positive student attitudes toward learning and improved grades. Districts reported that fewer special education referrals and less teacher absenteeism were associated with class-size reductions. More in-depth evaluations show student achievement levels remained the same when small classes were compared with larger classes (tested over a three-year period). In some districts, however, students in smaller classes (1-20) did significantly better in reading and moderately better in math than students in classes of 21 and over.	Special revenue fund for class-size reduction Nev. Rev. Stat. §388.730

State	Category (type)	Year Enacted	Description	Notes	Funding
OK	mandate 70 Okl. St @ 18-113.1	1990	Targets grades K,1-3, 4-6. No more than 20 students may be regularly assigned to a teacher. With the exception of certain conditions (these vary by grade levels above), fiscal and accreditation penalties apply for noncompliance.	If limitations exceeded after the first 9 weeks of the year, no fiscal penalty applies. Physical education, music, vocational not subject to limitation. If classrooms are not available and district meets certain guidelines (has maximum millage allowable or voted indebtedness within 5 prior years), then district not penalized.	Funding addressed through foundation program.
RI	voluntary/ grants R.I. Gen Laws §16-67-2	1987 (eff. 88-89); re-enacted 1996	Districts encouraged to reduce class size to no more than 15 in grades K-3 (The Literacy Program).		Educational Improvement block grants R.I. Gen. Laws §16-5-31 (3)
SC	mandate S.C. Code Ann §59-20-40	1977	To qualify for funds, each district required to attain 21 to 1 average pupil-teacher ratio in basic skills of reading and mathematics (grades 1-3); districts may apply to the state board for waivers (phased in from 1979 to 1983)		Funding is addressed through foundation program (Kindergarten weighted 1.30; primary 1-3, 1.24)
	mandate S.C. Code Ann § 59-139-10	1993	Early Childhood Development and Academic Assistance requires districts to design long-range plans which may include reduction in kndg. pupil-teacher ratio (the class size component here is voluntary, but the plan is mandatory)		
SD	voluntary/ grants S.D. Codified Laws § 13-14-8.1	1993	Youth-at-risk funds (grants) offered as incentives for reducing class sizes in K-3 to 15 or less.		grants for up to 3 years

State	Category (type)	Year Enacted	Description	Notes	Funding
TN	pilot Tenn. Code Ann §49-6-3501	1984	Demonstration centers (operated by local boards) established with class maximum enrollment 17. Two hundred teaching positions were funded by the department of education.	Purpose of the demonstration projects and centers was to study the effects of reduced pupil-teacher ratio on the achievement of students in public school.	All but 5% of costs paid by the department of education.
	mandate 1985 Tenn Pub. Acts, Ch. 463, 1	1985	Every public school system required to have a policy that pupil-teacher ratios not exceed ratio prescribed. Within a building, the average of any grade level cannot exceed the average, although any individual class within the unit may exceed the average (but not the maximum). K-3 avg: 20 (maximum of 25).	First study began in 79 elementary schools in 1985. Greatest gains in inner-city small classes. Classes with teacher aides achieved slightly higher scores than regular classes, but differences were not statistically significant. (Project STAR - Student Teacher Achievement Ratio) Longitudinal study funded in 1990 (Lasting Benefits Study) -- see p. 6 for details.	Funding provided through the foundation program (weighting).
TX	mandate Tex. Educ Code Ann §25.112 §25.111	1984 1995	School district may not enroll more than 22 students in K-4 classes. Stipulates ratio of not less than one teacher to each 20 students in average daily attendance (K-4).	Numerous exceptions apply.	unknown
UT	mandate Utah Code Ann. §53A-17a-124.5	1992	Through use of appropriations, districts must reduce average class size in grades K-4, with emphasis on K-2. Must use 50% of allocation to reduce class size in K-2, with emphasis on improving reading skills. If average class size is below 18 in K-2, may petition the state board for waiver to use its allocation for reduction in other grades.	20% of district's allocation may be used for capital facilities projects that will help to reduce class size.	Funding formula (weighted pupil units) allocated $46,311,678 in 1997 to be dispersed over four years (ending with fiscal year beginning July 1, 2000); 1996: $19,544,621; 1995: $18,632,768; 1994: $15,451,271; 1993: $11,053,098; 1992: $4,389,540

State	Category (type)	Year Enacted	Description	Notes	Funding
VA	voluntary Va. Code Ann §22.1-199.1	1996	Legislature established long-term goal of reducing pupil-teacher ratio and class size for K-3 in those schools with high or moderate concentrations of at-risk students.		State funding based on the incremental cost of providing the lower class sizes according to the greater of the division average per-pupil cost of all divisions or the actual division per-pupil cost. Local districts must provide matching funds based on the composite index of local ability to pay. State Board of Education to budget accordingly.
WI	voluntary/ grants 1995 Act 27 Chapter 118.43	1995	Student Achievement Guarantee in Education (SAGE); districts eligible to enter 5-year achievement guarantee contract with Dept. of Public Instr. on behalf of one school if minimum of 30% low-income students and no preschool-grade 5 grant on behalf of that school. (Also implements curricular and programmatic reqmts.)	Targets K, 1st grade in 98-99; adds grade 2 in 99-2000; adds grade 3 in 2001-2003. Class size reduction is one of several reqmts. for grants; schools must also extend hours of operation, provide rigorous curriculum, create staff development and accountability programs and pass annual review.	Finance formula funds reduction in class size to 1: 15 in each SAGE classroom.

Small Class Sizes:

Discussion, Rationale, Evidence

The debate over the effectiveness and efficiency of reducing class size remains unresolved. Nonetheless, several state legislatures are appropriating large sums of money to reduce K-3 class sizes to between 15 and 20 students.

Researchers keep the discussion alive as they argue about the merits and methodologies of various class-size studies. For state policymakers, reducing class size is a visible, concrete initiative that can be replicated throughout schools. Meanwhile, teachers and parents proclaim what they see as obvious -- fewer students in a class makes it easier to teach and to learn. In the end, state leaders must weigh the "political points" they earn from teachers and parents against the high cost of reducing class size and the education reforms left unfunded because of this policy.

100

The class-size reduction discussion intensified in 1990 when the Tennessee legislature funded a longitudinal study on smaller classes and student achievement, and then commissioned a follow-up study to determine the lasting benefits. The first study, known as Project STAR (Student Teacher Achievement Ratio) studied 7,000 students in 79 elementary schools. Researchers concluded that small class sizes (13-17 students) significantly increased student achievement scores, compared to regular classes of 22 to 25 and regular classes with a full-time teacher's aide. They also found that gains made in kindergarten were maintained through 3rd grade and the greatest gains were made in inner-city small classes.

Tennessee's second analysis, the Lasting Benefits Study, tracked students from grades 4-7 as they returned to normal size classes and concluded these students:

- Were less frequently retained in grade
- Succeeded in narrowing the achievement gap between children living in poverty and more affluent students, and between white and African-American students
- Had higher achievement "across the board" (in science, social studies, math, reading, spelling and study skills)
- Continued to outscore peers from larger classes; however, differences diminished somewhat as years went on

While the results from these two studies appear convincing, critics point out that 1,100 small-class size studies produced mixed findings. They also question whether Project STAR and the Lasting Benefits Study should be viewed as the definitive studies on which to develop and invest in class-size reduction policies.

Overall, the evidence is inconclusive as to whether small classes improve student achievement. The research has produced mixed and contradictory results, including:

- Students in early grades learn more and continue to have an edge over the rest of their peers when they return to normal classrooms. The impact is greatest and longer-lasting if they remain in small classes, however.
- The payoff in terms of student achievement gains does not translate into a cost-effective investment. Tutoring and direct instruction appear to be more cost-effective.
- Kindergarten through 3rd grade students benefit most, as do minority students in urban schools
- Class-size reduction cannot be isolated as the sole factor for increased student achievement
- Reading and math scores improve for some students in comparison to peers in regular-size classes
- Smaller classes force districts to hire significantly more teachers and create more classroom space
- Effectiveness depends on whether teachers adapt their teaching methods to take advantage of small classes and have more focused time with students
- Small classes result in fewer classroom distractions and more time for teachers to devote to each student

Characteristics of High-Quality Initiatives

Reducing class size is most effective when:

- Classes are reduced to between 15 and 19 students. (Little impact has been demonstrated in class sizes of 20 to 40 students.)
- Particular schools are targeted, especially those with low-achieving and low-income students
- Teachers are provided ongoing, high-quality professional development to make the most of the smaller class size conditions
- Teachers are well-qualified and a challenging curriculum is used for every student

Actions for Policymakers

If state policymakers decide to invest in class-size reduction, they may want to consider the following actions:

- Estimate the cost of funding the proposed class-size reduction plan, then:
  - ✓ Determine the state's commitment and any district contribution that will be necessary

- ✓ Indicate whether state funding is permanent, temporary or contingent upon available revenue
- ✓ Address the need for additional, qualified teachers and classroom space
- ✓ Provide sufficient funds for the grades and schools covered under the initiative

- Target the program and dollars to low-income, low-achieving schools to allow significant class-size reduction in a few schools, rather than modest reductions statewide.
- Provide professional development funds so teachers can adapt their teaching methods for the smaller classes
- Evaluate the small class-size initiative on a regular basis to determine its benefits and cost-effectiveness
- Assist schools and districts to combine class-size reduction with other school-improvement plans for maximum impact

Comments to Policymakers

As more states adopt or consider legislation to reduce class size, the discussion should focus on the costs of creating smaller classes and whether the costs are justified by the returns. Moreover, if class size is believed to make a difference, then policymakers need better information about why small classes are beneficial to student achievement and how this information can be used for other reform efforts. Finally, state leaders should be prepared to deal with the unintended consequences if class size is reduced on a statewide scale; for example, the need for additional, qualified teachers and classroom space and the issue of teachers choosing more desirable districts.

Suggestions for Evaluation: California Example

The following was adapted from *Report to the State Board of Education: A Plan for the Evaluation of California's Class Size Reduction Initiative* 10/20/97.

QUESTIONS TO ASK ABOUT THE IMPACT OF THE CLASS SIZE REDUCTION PROGRAM

The Class Size Reduction program (CSR) consortium proposed a research plan to find information on many topics, broken into seven categories. The answers to some of these questions will come from data (test scores, for example), while many others will require observations, surveys, and conversations with policymakers, teachers and administrators, and parents.

Policymaking at the state, district, and school levels

- What are policymakers' goals and expectation for CSR? Their concerns?
- Do they have common expectations about the influence on student learning? Do these match or differ from teachers' or school boards' expectations.
- How do educational policies, regulations, and labor agreements help or hinder implementation?

Resource allocation within and among schools

- What is the effect on districts' revenues and expenditures? on spending for school operations and facilities, across grades, for instructional support services and programs? on resources across primary and secondary schools and across district programs?
- How did schools find space for new classrooms? If there were tradeoffs, what were they and are they permanent?
- How does CSR money affect equity of funding among districts, schools, and groups of students given the different resources already available to districts?

Intersection with other education reforms

- What is the relationship between CSR and large categorical programs (Special Education, Title 1) and programs for English learners?
- Do district or school characteristics (high or low revenue, for example) affect implementation?

- Is CSR integrated with a district's master plan? or existing reform efforts? What interaction, if any, will there be with new state curriculum standards?
- Does CSR intersect with other reform efforts, or is it a diversion?

Teacher quality, assignment, and training

- What is the impact of CSR on recruiting and assigning teachers? What is the influence of collective bargaining?
- What are the qualifications and experience of teachers in the smaller classes and in classes with limited-English or minority or special-needs students?
- What professional development and support do teachers get? Does it change according to their experience? Does it vary by district?
- What do teachers report about their satisfaction and attitudes as a consequence of CSR? How do these affect student learning?

Classroom practices

- How has CSR affected teaching practices?
- What methods of instruction are used for English language learners in CSR classes? Does instruction differ across districts, classrooms, or categories of students?
- How is the classroom atmosphere changed?
- What is the impact on personnel to support teachers?

Student outcomes

- Has achievement in reading and math improved? Has promotion, retention changed? What do the next grade teachers report?
- Have transitions into or out of special programs changed?
- What is the impact on students' attendance, behavior, completing homework?
- Are English language learners ready to read sooner?
- Do student outcomes vary according to school, teacher, classroom practices, or the characteristics of the student?
- Have changes in classroom practices affected student outcomes?

Parental involvement

- How have parents been involved in decisions about participation, allocation of resources and space, and pupil assignments?
- Are parents more directly involved with their child's teacher or in the classroom?
- Do they believe their children's education is improved? Is there a change in their satisfaction with teachers, the school, or the district? Do they think the total school program has improved?
- Have parent involvement programs grown or declined? Parent participation?

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Adoption of Statewide Admission Requirements by Type of Board

SOURCE: ACT AND STATE HIGHER EDUCATION EXECUTIVE OFFICERS, 1998*

State Higher Education Agency	Do statewide admissions requirements exist?	Year First Adopted	Type of Board
Alabama commission on Higher Education	no		coordinating
Alaska Postsecondary Education Commission/University of Alaska System	no		coordinating/governing
Arizona Board of Regents	yes	1983[1]	governing
Arkansas Department of Higher Education	no		coordinating
California Postsecondary Education Commission	no[2]		coordinating
Colorado Commission on Higher Education	yes	1986	coordinating
Connecticut Department of Higher Education	no		coordinating
Delaware Higher Education Commission	no		coordinating
Florida Postsecondary Education Planning Commission	yes	1982	coordinating
University System of Georgia	yes	1931/1984[3]	governing
University of Hawaii	no		governing
Idaho State Board of Education	yes	1987	governing
Illinois Board of Higher Education	yes	1985	coordinating
Indiana Commission for Higher Education	no		coordinating
Iowa State Board of Regents	yes	many years ago	governing
Kansas Board of Regents	yes	1996	governing
Kentucky Council on Higher Education	yes	1976	coordinating
Louisiana Board of Regents	no		coordinating
University of Maine System	no		governing
Maryland Higher Education Commission	yes	1990	coordinating
Massachusetts Board of Higher Education	yes	1995	governing
Michigan State Department of Education	no		coordinating
Minnesota Higher Education Services Office	no[4]		coordinating
Mississippi Board of Trustees of State Institutions of Higher Learning	yes	1944/1986[5]	governing

State Higher Education Agency	Do statewide admissions requirements exist?	Year First Adopted	Type of Board
Missouri Coordinating Board for Higher Education	yes	1992	coordinating
Montana University Systems	yes	1995	governing
Nebraska Coordinating Commission for Postsecondary Educ	no[6]		coordinating
University and Community College Systems of Nevada	yes	many years ago	governing
New Hampshire Postsecondary Education Commission/University System of New Hampshire	no		coordinating/governing
New Jersey Commission on Higher Education	no		coordinating
New Mexico Commission on HIgher Education	no		coordinating
New York State Education Department	no[7]		coordinating
University of North Carolina	yes	1984	governing
North Dakota University System	yes	1993	governing
Ohio Board of Regents	no[8]		coordinating
Oklahoma State Regents for Higher Education	yes	1962/1984[9]	coordinating
Oregon State System of Higher Education	yes	1985	governing
Pennsylvania Department of Education/Pennsylvania State System of Higher Education	no		coordinating/governing
Rhode Island Office of Higher Education	yes	1983	governing
South Carolina Commission on Higher Education	yes	1984	coordinating
South Dakota Board of Regents	yes	1987	governing
Tennessee Higher Education Commission	yes	1989	coordinating
Texas Higher Education Coordinating Board	yes[10]	1997	coordinating
Utah System of Higher Education	yes	1984	governing
Vermont State colleges/University of Vermont	no		governing/governing
Virginia State Council of Higher Education	no[11]		coordinating
Washington Higher Education Commission	yes	1987	coordinating
State College System of West Virginia/University of West Virginia System	yes	1976	governing/governing
University of Wisconsin System	yes	1972	governing
Wyoming Community College Commission	no		coordinating

[1] May have existed before this date.

[2] No statewide requirements exist, but there has been state-level activity. Under the 1960 Master Plan for Higher Education, the University of California was required to set admission requirements to select its freshmen from the top one eighth of California high school graduates, and the California State University was required to select its freshmen from the top one third.

[3] Statewide requirements were adopted in 1931; the College Preparatory Curriculum was adopted in 1984.

[4] No statewide requirements exist, but systemwide requirements have existed since 1990 for what are now the four-year colleges in Minnesota State Colleges and Universities systems, formerly the State University System of Minnesota.

[5] Statewide requirements were adopted in 1944; the core requirements were adopted in 1986.

[8] No statewide requirements exist, but systemwide requirements were adopted for the University of Nebraska system in 1982.

[9] No statewide requirements exist, but systemwide requirements were adopted for the City University of New York many years ago.

[9] In 1981 the Ohio Board of Regents developed a college preparatory curriculum which it recommended that institutions adopt for unconditional college admission. Institutions have done so voluntarily, but remain autonomous, and, strictly speaking, there are no statewide *requirements*.

[9] Statewide requirements exist at least as far back as 1962; a core curriculum was adopted in 1984.

[10] In response to *Hopwood* v. *Texas* which banned racial preferences in college admissions, the Texas legislature passed a law in 1997 stating universities *must* admit all students in the top 10 percent of their graduating class and *may* extend automatic admission to students who graduate in the top 25 percent of class.

[11] There are no statewide *requirements*, but in 1983 the State Council for Higher Education developed a 23-unit "advanced studies high school diploma" *recommended* for college-bound students.

Summary of Statewide College Admission Requirements

SOURCE: ACT AND STATE HIGHER EDUCATION EXECUTIVE OFFICERS, 1998*

	High School Coursework Units	Minimum ACT/SAT Test Scores	Minimum GPA	Minimum Class Rank	Eligibility Index, Sliding Scale, or Other Options Based on ACT/SAT, GPA, and/or Class Rank
Arizona	X				X
University of Calif/Calif State University	X[1]		X[1]		X[1]
Colorado					X[1]
Florida	X		X		X
Georgia	X		X		X[2]
Idaho	X				X
Illinois	X				
Iowa	X[1]			X	
Kansas	X				X
Kentucky	X				
Maryland	X		X[1]		
Massachusetts	X		X[1]		X
Minn State Colleges & Univ	X	X		X	
Mississippi	X				X
Missouri	X				X[1]
Montana					X[1]
University of Nebraska	X				X
Nevada	X		X		
City University of New York	X				X[1]
North Carolina	X				
North Dakota	X				

	High School Coursework Units	Minimum ACT/SAT Test Scores	Minimum GPA	Minimum Class Rank	Eligibility Index, Sliding Scale, or Other Options Based on ACT/SAT, GPA, and/or Class Rank
Ohio (recommended)	X[3]				
Oklahoma	X				X[1]
Oregon	X		X[1]		
Rhode Island	X				X[1]
South Carolina	X				X[1]
South Dakota	X				X
Tennessee	X				
Texas				X[4]	
Utah	X[1]				X[1]
Virginia (recommended)	X[5]				
Washington	X				X[1]
West Virginia	X	X	X		
Wisconsin	X				

[1] According to statewide policy, minimum requirements or cutoff points vary by system/institutional selectivity level.

[2] Beginning 2001, A Freshman Index will be used, with minimum requirements varying by sector.

[3] In 1981 the Ohio Board of Regents developed a college preparatory curriculum which it recommended that institutions adopt for unconditional college admission. Institutions have done so voluntarily, but remain autonomous, strictly speaking, and there are no statewide *requirements*.

[4] In response to Hopwood v. Texas, which banned racial preferences in college admissions, the Texas legislature passed a law in 1997 stating universities *must* admit all students in the top 10% of their graduating class and *may* extend automatic admission to students who graduate in top 25% of class.

[5] There are no statewide *requirements*, but in 1983 the State Council for Higher Education developed a 23-unit "advanced studies high school diploma" *recommended* for college-bound students.

See page 5 for Summary of Coursework Requirements.

Summary of Coursework Required for Admission

(Expressed as One-year Carnegie Units)

SOURCE: ACT AND STATE HIGHER EDUCATION EXECUTIVE OFFICERS, 1998 *

	English	Math	Science	Social Science	Foreign Language	Other/Electives	Total Units
Arizona[1]	4	4	3	2	2	1 fine arts	16
Univ. of Calif.	4	3	2	2	2	2 electives	15
Calif State Univ	4	3	1	1	2	1 visual/performing arts; 3 electives	15
Florida	4	3	3	3	2	4 electives	19
Georgia	4	3	3	3	2		15
Idaho	4	3	3	2 1/2	1	1 1/2 electives	15
Illinois	4	3	3	3		2 electives	12-15
Iowa	4	3	3	2-3	0-2		12-15
Kansas	4	3	3	3		1 computer science	14
Kentucky	4	3	2	2		1 health/PE; 8 electives	20
Maryland	4	3	3	3		2 foreign language or advanced technology; 6 electives	21
Massachusetts	4	3	3	2	2	2 electives	16
Minn State Colleges and Univ	4	3	3	3	2		15
Mississippi	4	3	3	3		1/2 computer applications; 1 foreign language or world geography; 1 other elective	15 1/2
Missouri	4	3	2	3	[2][2]	1 visual/performing arts; 3 electives	16
Univ of Nebraska	4	3	3	3	2	1 elective	16
Nevada	4	3	3	3		1/2 computer science	13 1/2
City Univ of NY	4	3	2	4	2	1 fine/visual /perf arts	163
North Carolina	4	3	3	2			12
North Dakota	4	3	3	3	[2][2]		13
Ohio[4]	4	3	3	3	3		16
Oklahoma	4	3	2	3	3		15
Oregon	4	3	2	3	2		14
Rhode Island	4	3	2	2	2	1/2 computer science	13 1/2
South Carolina	4	3	2	3	2	1 PE or ROTC; 1 elective	16
South Dakota[5]	4	3	3	3		1/2 fine arts	13 1/2
Tennessee	4	3	2	2	2	1 visual/performing arts	14

	English	Math	Science	Social Science	Foreign Language	Other/Electives	Total Units
Utah	4	3	3	1	2	4 electives	17
Virginia[6]	4	3	3	3	3	1 fine/practical arts; 2 health/PE; 4 electives	23
Washington	4	3	2	3	2	1 elective	15
West Virginia	4	2	2	3			11
Wisconsin	4	3	3	3		4 electives	17

[1] Alternative to high school coursework have been developed fro each subject area, based on minimum scores on specific ACT or SAT tests or on specific courses taken at accredited institutions of higher education.

[2] Strongly recommended, but not required.

[3] Currently only 10 units are *required* for admission to senior colleges in CUNY, and the 16 units described here are *recommended*. By 2000, all 16 units will be required.

[4] The course units listed here describe the college preparatory curriculum developed by the Ohio Board of Regents in 1981; the Board *recommended* that all institutions adopt these as requirements for unconditional college admission, and institutions have done so voluntarily. Institutions remain autonomous, however, and strictly speaking, there are no statewide admission *requirements*.

[5] Alternatives to high school coursework have been developed for each subject area, based on minimum scores on specific ACT or Advanced Placement tests.

[6] In 1983 the State Council of Higher Education developed a 23-unit Advanced Studies High School Diploma which it recommended for college-bound students. There are no statewide requirements.

* Source: Statewide College Admissions, Student Preparation, and Remediation Policies and Programs: Summary of a 1997 SHEEO Survey: Alene Bycer Russell: January 1998

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Summary of State Involvement in Competency-based Admissions

SOURCE: ACT AND STATE HIGHER EDUCATION EXECUTIVE OFFICERS, * 1998

CALIFORNIA	Pilot project underway with very limited number of schools, beginning with fall 1997 applicants. Developing articulation between traditional admissions requirements and student portfolios. Students must demonstrate competencies at least equal to UC's or CSU's core requirements and take the SAT or ACT.
COLORADO	Competency-based admissions adopted 1995 and pilot project underway to develop competencies in five areas and examine the relationships of standards to college success. Math and communication competencies identified thus far, and a research team has developed evaluation questions and methodology for research component.
GEORGIA	Pilot project under development in conjunction with Georgia P-16 Initiative and Postsecondary Readiness Enrichment Program (PREP).
IOWA	Under consideration, but not adopted. Task Force on Applied High School Academics and Other Reformed Curricula began work in 1996 to consider the most effective processes and procedures, including competency-based admissions standards, that might best handle non-traditional curricula.
KANSAS	Adopted 1996 to go into effect 2001. Under development.
MARYLAND	Maryland Partnership for Teaching and Learning, begun in 1995, is committed to a single system for assessing student achievement in K-16. It is expected that competency-based admission requirements will be developed when the high school assessment program is finalized. (Most activity currently at University System of Maryland, not at SHEEO level.)
MINNESOTA	Competency-based admissions was a major focus of the strategic plan for the Minnesota State Colleges and Universities. Initial steps taken in 1992 for state universities, but undetermined when they will go into effect. (Activity at system level, not SHEEO level.)
NEW YORK	A School-to-Work Taskforce is currently reviewing its competency-based admissions materials and will publish recommendations this year. Not yet adopted, and will be under review for the next 2-3 years.
OREGON	Following school reform legislation passed in 1991, the SHEEO agency commissioned the development of a list of knowledge and skills needed for college admissions. In 1994, it adopted the proficiencies contained in the Proficiency-based Admission Standards Study (PASS) as policy. Proficiencies have been developed in six content areas, and beginning with freshman admitted fall 2001, students will be expected to demonstrate proficiency in math and English. Other competencies will be phased in through 2005. Three assessment strategies will be used: state multiple-choice tests, common performance assessments, and teacher verification of student work samples.

WASHINGTON	Following school reform legislation passed in 1993, the SHEEO agency initiated a process in 1995 to revise its admission standards from traditional measures to competency-based standards. Commission on Student Learning has established "Essential Academic Learning Requirements" for what high school students should know and be able to do, and a Admissions Standards Action Committee is defining college admissions standards and developing assessment and reporting prototypes. After a project evaluation phase, will go into effect 2000.
WISCONSIN	Task force appointed in 1992 to examine feasibility of developing a supplemental admission approach for students graduating from high schools with restructured curricula; this was not to replace traditional requirements. The Competency-based Admission Task Force recommended that the UW system adopt a competency-based approach to supplement the current policy, and a pilot study was begun with eight high schools. In December 1997, the University of Wisconsin System adopted competency-based admissions as board policy. Data on how well the competency-based system works are being collected and analyzed.

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Summary of Statewide Data Collection and Research Efforts to Evaluate the Effectiveness of Admissions, Student Preparation, and/or Remediation Policies and Programs

SOURCE: ACT AND STATE HIGHER EDUCATION EXECUTIVE OFFICERS, * 1998

The following states are making efforts to evaluate how well students are being prepared for postsecondary education: Whether admissions and remediation policies are driving improvements in the level of preparation and where applicable, whether these policies are resulting in greater student retention/success at the postsecondary level.

Alabama	[In initial stages of developing a student unit database that will probably provide some data regarding these.]
Alaska	[These studies are just beginning.]
Arizona	AZ Board of Regents collects this data.
Arkansas	Data collected; no further information provided.
California	CPEC: periodic evaluations of % of public h.s. graduates eligible for freshman admission. Evaluation of state-supported student preparation programs. UC: eligibility and validity studies. CSU: recently completed a major study of remedial activities.
Colorado	Since 1986, has had a policy database that relies on individual student data on enrollment, admission, graduation, and financial aid. From this database, possible to identify changing patterns in the system and correlate the changes to policy changes.
Florida	Retention research; have data on relationship between admissions requirements and retention.
Georgia	University System collects student data to monitor the effectiveness of the admissions policy, student preparation (college preparatory curriculum, high school GPA, and SAT/ACT test scores), and placement into and exit from remediation. Also developing a P-16 linked student database to allow for monitoring and supporting student progress from pre-school through postsecondary education.
Hawaii	[Have data on effectiveness of College Opportunities Program and Special Student Services.]
Illinois	Data collected. 1996 report *Student Preparation for College.*
Indiana	[No current studies; however, discussions under way to begin to collect data in our unit record Student Information System which would allow the state to analyze the impact of student preparation on student persistence/retention.]
Iowa	*Annual Report on Student Retention and Graduation. Annual Report of the Regent Committee on Educational Relations. Annual Report of the Regents Registrars and Admissions Officers Committee. Persistence at the State Universities.*
Kansas	[Will do this in a more systematic manner.]
Kentucky	Annual accountability reports provide an analysis of the effectiveness of remedial programs.

Louisiana	[Not at Board of Regents, but Department of Education collects data on remediation at the secondary level for the state-mandated Graduation Exit Examination.
Maine	[Department of Education]
Maryland	*A Study of Remedial Education of Maryland Public Campuses* (1996). *Relationship Between High School and College Performance by Maryland Students: Student Outcome and Achievement Report* (1996 and 1997).
Massachusetts	Gathering data on freshman class.
Michigan	Community colleges only through Michigan Department of Education utilizing federal funds.
Minnesota	At system level.
Mississippi	In process.
Missouri	*Enhanced Missouri Student Achievement Study. Progress Toward the Suggested Statewide Public Policy Initiatives and Goals for Missouri Higher Education* (1996).
Nebraska	NE State Colleges: *Entering Freshman Profile Report.*
Nevada	Feedback is provided to the high schools on the performance of their students in freshman English and mathematics courses.
New Jersey	Collect data on the state's College Bound program and will be doing so on an even more systematic basis in the coming year(s).
New Mexico	State-level unit-record database is being used to generate student tracking and program completion analyses.
New York	Cohort retention/graduation data reported by all institutions.
North Dakota	*Review of Policy 402.2: Admission Requirements for Baccalaureate and Graduate Campuses* (1996), examining the impact of statewide admissions requirements in effect since 1993.
Ohio	Statewide data collection and publication of annual remediation rates.
Oklahoma	The Unitized Data System collects statewide information on admissions, student preparation, and remediation. Among the reports produced are the biennial *Admission Policy Impact Study* (1996), the *Annual Student Assessment Report* (1997), the *Collegiate Success Profile, Course Placement Report,* and several Oklahoma High School Indicators Project reports.
Oregon	Graduation/retention studies, transfer studies, etc.
South Carolina	Look at compliance with course prerequisites, numbers enrolled in remediation, and graduation rates. Since 1993, have been tracking retention of provisionally-admitted students to ascertain their success rates. By 1997, the State Board for Technical and Comprehensive Education is to have a complete data system for evaluating all students in remedial studies, since by 1995 policy, remediation is assigned to the 2-year sector.
South Dakota	High School feedback report.
Tennessee	Reports are produced by governing boards.
Texas	*Annual Report on the TASP and the Effectiveness of Remediation*
Utah	The biennial *Assessment and Accountability Report* contains information on these factors.
Virginia	All public institutions required to assess the performance of students enrolled in remedial courses who subsequently enroll in college-level courses, and compare the results to students who enrolled only in college level courses. Four-year institutions required to share with 2-year colleges data that can be used to evaluate how former community college students perform after transferring.

Washington	Re-validate admissions index periodically. Track numbers of students in remedial courses. Track retention and graduation rates. Will also occur as part of the Admissions Standards project.
West Virginia	Newly developed system initiatives relate to student retention and performance. Likely that as these initiatives are implemented, data on effectiveness in these areas will be forthcoming.
Wisconsin	Produce annual research briefs, including *The New Undergraduate Class, New Freshman Outcomes: Retention and Graduation,* and *Report on Remedial Education in the UW System: Demographics, Remedial Completion, and Retention and Graduation.*
Wyoming	[None currently, but initial efforts underway.]

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PRIVATIZATION OF EDUCATION SERVICES
AND CORPORATE SPONSORSHIP/ADVERTISING ON SCHOOL PROPERTY
ECS Information Clearinghouse, May 1998

The increasing number of private businesses offering educational services and the phenomenon of corporate sponsorship and advertising in public schools have attracted national attention, both in the media and in the statehouse, in the 1990s. Below is a sampling of businesses which provide educational services for public schools, as well as a handful of district/school/corporation partnerships which pay schools/districts for use of/permission to advertize their product on school property, including school buses.

NOTE: "n/a" means information not available at time of writing
Dates listed as open-ended (i.e., "1997- ") indicate that the programs are in place to the present date.
ENTRIES ARE LISTED ALPHABETICALLY BY DISTRICT.

Corporation	District	Services rendered/notes	Number of schools	Years
The Edison Project	Atascosa, TX (part of the Southwest Independent School District based in San Antonio, TX)	The Edison Project, headed by Chris Whittle (who began Channel One in 1988) and Benno C. Schmidt, Jr. (former president of Yale), provides its own curriculum (including a longer school day and year, a computer in every student's home and Spanish instruction from kindergarten on), technological equipment, and administrative program. Edison does not offer its own teachers, but trains either already-extant district teachers or new hires. The plan is for all children, including the gifted, the disabled, and those for whom English is a second language, "to operate at a district's average for per-pupil expenditures."	Elm Creek Elementary (K-5)	1997-
Education Alternatives Inc. (EAI)	Baltimore City Public Schools, MD	Management and instruction of first 9 schools; also financial management, facilities mgt., and some staff development. 5-year contract terminated because Baltimore could not pay agreed rate, and EAI could not lower its rates.	Originally, eight elementary and one middle; later three schools more received management services	1992-1996

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Corporation	District	Services rendered/notes	Number of schools	Years
Sylvan Learning Systems	Baltimore City Public Schools, MD	Extra math and reading lessons; gains recorded on national test scores; greater gains for children who received more than 50 hours of tutoring.	Originally, six elementary; now 25 in district 2 in Baltimore County 3 in Dorchester County	1993-n/a
IBM	Baltimore City Public Schools, MD	IBM established and installed networked computer labs and provided software and teacher training; the greater the students' improvement on standardized reading and math exams, the greater the pay for IBM. Districts heads regarded the partnership as a success, but IBM did not attain the highest pay level possible.	approximately 25 elementary schools	1989-n/a
Edison	Boston, MA	See "Atascosa, TX' entry	Boston Renaissance Charter School (K-5)	1995-
Edison	Boston, MA	See "Atascosa, TX" entry	Boston Renaissance Junior Academy (6-8)	1996-
Advantage Schools	Boston, MA	Provides business management	Boston Renaissance Charter School (K-5)	
Beacon Education Management (formerly Alternative Public Schools, Inc.)	Boston, MA	Beacon provides special ed. services	City on a Hill Charter School	n/a
Pepsi	Bozeman School District, MT	Over the course of four years, Pepsi will pay the district approximately $120,000 for switching from Coca-Cola.	districtwide	n/a
Sylvan	Broward County, FL	Total of 19,584 hours of instruction rendered; free additional 12 hours of instruction would be given to every student who had at least 55 hours of lessons without raising his SAT score by three NCE points.	288 students at two Title I-eligible middle schools	1995-1998
Institute for the Redesign of Learning	various California public schools	Offers instructional, "training, and counseling services to at-risk" students.	30 as of 1994	n/a

Corporation	District	Services rendered/notes	Number of schools	Years
Los Angeles County Office of Education/Davidson & Associates Inc., Addison-Wesley Publishing Company Inc.	California (and Texas and Florida)	The three states provided a $1.2 million grant through the Los Angeles DOE for a multimedia social studies and history curriculum to be developed. Davidson and Assoc. is an educational software corporation in California; Addison-Wesley a textbook publisher. The curriculum will apply interconnected CD-ROMS, videodisks, and printed texts.	Tri-statewide	1995-n/a
Dialogos International, Inc.	Chapel Hill/Carlboro	Dialogos, which now works exclusively with private schools and business people, offered English as a Second Language for international students in the districts.	bi-districtwide	1978-1987
Beacon Education Management (formerly Alternative Public Schools, Inc.)	Chelmsford, MA	Beacon has a 5-year contract to manage the school.	Chelmsford Public Charter School (grades 5-8)	1996-
Boston University	Chelsea, MA	BU manages the budget of the nine public schools in the district; works out education strategies with local teachers, including day care, job training for parents, and English as a second language classes for adults. This was the first time in America that a university assumed leadership of a public school district.	school system	1989-
Sylvan	Chicago, IL	Remedial education services.	Remediation centers for disadvantaged students. Originally 10 schools, now many.	1995-n/a
over 70 corporations	Chicago, IL	The tuition-free inner-city private elementary school is run by applying a business management approach. Approximately $3 million of corporate and foundation monies run the school, as does a 15-member board of directors, of whom seven are corporate executives. Although 60 percent of its randomly-selected students are from families below the federal poverty line, and 80 percent come from single-parent homes, they scored significantly higher than children at a Chicago comparison school in 1991. The Reason Foundation describes C/CSA as a "laboratory" for the Chicago Public Schools.	Chicago Corporate/ Community School of America (C/CSA)	1988-n/a

Corporation	District	Services rendered/notes	Number of schools	Years
SABIS	Chicago, IL	SABIS provides the complete management of the schools, including hiring/furnishing teachers, and setting a curriculum. The schools will go to the 8th grade in their first year, then add a grade each successive year.	2 charter schools (K-8)	1997-spring 2002
Edison	Chula Vista, CA	See "Atascosa, TX" entry	Feaster-Edison Charter School (K-6)	1997-
Coca-Cola	Clear Creek Independent School District, TX	District will receive $180,000/year from Coke; the company will in return have exclusively its drinks in district vending machines.	districtwide	n/a
Edison	Colorado Springs, CO	See "Atascosa, TX" entry	Roosevelt-Edison Charter School (K-5)	1996-
Edison	Colorado Springs, CO	See "Atascosa, TX" entry	Emerson-Edison Partnership School (6)	1997-
various, including local car dealerships, Burger King, Pepsi, and Shoney's restaurant	Colorado Springs, CO	Colorado Springs is probably the first district in the country to sell ad space on school buses, gym walls. etc. The district will use the money to buy books, lab materials, uniforms, and other necessities.	districtwide (53 schools)	1993-
Excel Education Centers, Inc.	Cottonwood, AZ	Operation of school.	school serves grades 6-12	1995-
EAI	Dade County, FL (Miami)	EAI had a 5-year contract for management consulting to the new public school.	South Pointe Elementary	1990-1995
Edison	Dade County, FL	See "Atascosa, TX" entry	Henry S. Reeves Elementary (K-5)	1996-

Corporation	District	Services rendered/notes	Number of schools	Years
American Bankers Insurance Group	Dade County, FL	ABIG, Dade County Schools, and the United Teachers of Dade County arranged this, America's first Satellite Learning Center (SLC), which serves only children of the employees. Portable classrooms were used until ABIG built a permanent structure to use as a school. The corporation shares liability insurance costs with the district, donates utilities, security, and maintenance; the district offers the educators, administrators, and curriculum. The SLC is connected to a host school, which serves the same grades as the SLC, providing it lunches, budgeting services, and the leadership of its principal, as well as including it in the host school's special activities. Art, P.E., and music teachers as well as health personnel from the host school or the district also teach the SLC students. In a 1991 study, SLC students at ABIG had higher Stanford Achievement Test scores (administered to grades K-2) than students attending DCPS--among them, Grade 2 DCPS scores were at the 39th percentile, while SLC 2nd graders ranked at the 88th percentile in reading.	Cutler Ridge Satellite School, grades K-2	1987-n/a
Miami International Airport	Dade County, FL	SLC (see above). Airport employees include employees of the businesses (i.e., car rental or food concessionaires) operating at the airport. Already extant space was set aside for the SLC.	Miami Springs Satellite School, grades K-2	1988-n/a
Miami Dade Community College	Dade County, FL	SLC (see above). The Center is available to children of students as well as children of the community college's faculty and staff. Portable classrooms are used for the Center.	Bunche Park Satellite School, grades K-2	1989-n/a
Mount Sinai Medical Center (Miami Beach, FL)	Dade County, FL	SLC (see above). The Center consists of portable classrooms. Here the school district covers the entire liability insurance cost.	North Beach Satellite School, grades K-1, beginning K-2 in 1993	1992-n/a

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Corporation	District	Services rendered/notes	Number of schools	Years
Florida Power and Light	Dade County, FL	SLC (see above). The school , 3 miles from the power plant, is on company property, for children of employees as well as for those of contractors that serve them. Dade County provides the teachers, paraprofessionals, books, furniture, and classroom supplies, and FPL furnishes the building, power, and mainenance/custodial services. upon completion of the 2nd grade, children may attend the satellite school's home school, Campbell Drive Elementary, or to the school in the child's area; many children apply to go to magnet schools.	Florida Power and Light Satellite School (K-2)	n/a
Baron Schools Inc.	Detroit, MI	School opened by suburban Romulus district in Detroit, to ire of Detroitans; from the $5,300/year the district receives per student, it will give Baron only $4,240, keeping the profit	Baron-Romulus School of Choice	1996-
Wilkerson & Associates	Detroit, MI	This management consulting group advised the district in its transfer of the 24 "Empowered Schools" from traditional operation to self-standing charters. According to a Reason Foundation report of November 1993, Wilkerson & Associates helped form "teams" at the school, "established an automated financial -management system and helps the schools manage a competitive bidding process for purchasing goods and services."	24 "Empowered Schools"	n/a (Not to present time.)
Edison	Detroit, MI	See "Atascosa, TX" entry	Detroit Academy of Arts and Sciences (K-5)	1997-
Edison	Duluth, MN	See "Atascosa, TX" entry	Edison-Central Junior Academy (6-8)	1997-
Edison	Duluth, MN	See "Atascosa, TX" entry	Kenwood-Edison Charter School	1997-
EAI	Duluth, MN	Interim superintendency of school system. The corporation was signed on to a four-month contract which the district did not opt to lengthen into a one-year agreement, perceiving that no significant positive change had been made during the school year.	districtwide	March-June 1992
Coca-Cola	Eanes Independent School District, TX	District received $350,000 and will garner a percentage of all Coca-Cola sales in the district.	districtwide	n/a
Excel Ed. Centers, Inc.	Flagstaff, AZ	Operation of school.	one school, grades 6-12	1995-

Corporation	District	Services rendered/notes	Number of schools	Years
Edison	Flint, MI	See "Atascosa, TX' entry	Garfield-Edison Partnership School; Williams Edison Partnership School (both K-6)	1997-
Los Angeles County Office of Education/ Davidson & Associates Inc., Addison-Wesley Publishing Company, Inc.	Florida (see "California" entry)	--	--	--
EAI	Hartford, CT	EAI was contracted to offer teaching and management services " 'including, but not limited to, staff training, equipment, software, student evaluation...[and] technological tools' " (contract cited)	Originally all 32 district schools; later only 5 schools; contract was ended January 1996	1994-1996
Beacon Education Management	Hickory, NC	Beacon has overtaken management of a school.	Engelmann Charter School	October 1997-
Pepsi	Jefferson County, CO	Pepsi gave $2.1 million towards building a $5.1 million stadium in the district, which had 17 high schools but only 2 stadiums. In the seven-year contract, JeffCo will also receive a 50% cut on Pepsi sales within the district (estimated at $700,000/year), and a scholarship fund, an estimated $48,000/year. In exchange, the company will have only its beverages advertised and sold in the schools. A projected $7.3 million will go to the district from Pepsi by the end of the contract. The district can renegotiate the contract at any time if they believe Pepsi's presence is adversely affecting the students or courses of study.	districtwide program	1997-2004
US West	Jefferson County, CO	In August '97, US West provisionally approved a $2 million donation for a new stadium, in exchange for having its name on the structure and becoming an exclusive provider of phone service to JeffCo.	district program	1997-
Advantage Schools	Jersey City, NJ	managing budget, faculty, and curriculum	(K-5) Jersey City Golden Door Charter School	n/a
Edison	Lansing, MI	See "Atascosa, TX" entry	Mid-Michigan Public School Academy (K-5)	1996-

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Corporation	District	Services rendered/notes	Number of schools	Years
Edison	Lansing, MI	See "Atascosa, TX" entry	Mid-Michigan Junior Academy (6-8)	1997-
Sylvan	Memphis, TN	Offer remedial help in core disciplines.		n/a
W.H. Brady Co.	Milwaukee, WI	Provides employee volunteers, monetary and consulting donations to "science, graphic arts, business, computer and school-to-work" programs. Has sponsored a recognition program in which athletic, political, and teaching personages honored over 100 (124 in 1995) outstanding high-school scholar athletes.	districtwide	n/a
MacDonald Research's nonprofit member, the Wisconsin institute of Science and Technology (WIST)	Milwaukee, WI	WIST signed a contract with the school district to construct a pilot program for fourth- to eighth-graders at eight elementary schools. At a cost of $6,250 a year per school, WIST would furnish a program including summer workshops for science instructors, a mentor program for staff and students, a "touring mobile science laboratory, [and] a central equipment resource."	eight elementary schools	1992-n/a
The Public Strategies Group	Minneapolis, MN	The group assumed superintendency of the district.	districtwide	1993-1996
Honeywell	Minneapolis, MN	Honeywell runs New Vistas, an alternative school for pregnant and parenting teen moms, in cooperation with Minneapolis Public Schools. The district provides staff, curriculum, and learning materials, while the corporation donates space, mentors, and volunteers (for child care, changing diapers, etc.) Honeywell also provides the graduation ceremony, lining up programs and speakers.	New Vistas, for pregnant and parenting teen moms grades 10-12	1990-
IDS Financial Services and Northern States Power Co. (NSP)	Minneapolis, MN	School open to all Minnesota residents, but preference given to employees at the two sponsoring corporations, whose children make up 80 percent of the school's student body. The school, located in a downtown office building, receives about $100,000 annually from each of the two sponsors, to defray "start-up costs, leasing space, utilities, and janitorial services" expenses.	The Downtown Open School (K-3)	1991-n/a

Corporation	District	Services rendered/notes	Number of schools	Years
Loring Nicollet-Bethlehem Centers	Minneapolis, MN	Loring Nicollet-Bethlehem Centers are a non-profit education and employment organization. Students in the program are enrolled in Minneapolis Public Schools, but the district pays 88% of its per-pupil state aid to the alternative school, and furnishes some classroom materials such as "desks, cabinets, and audiovisual equipment".	one school for ages 16-21	1987-n/a
Target	Minneapolis, MN	Employees at Target headquarters in Minneapolis can send their K-4 children to Mill City Montessori, five blocks from the headquarters building, and part of Minneapolis Public Schools. Target pays for the lease, construction and renovation work, and for the salaries of three teachers who needed to be added on to the staff when the corporation entered into this agreement; the Minneapolis school district provides the rest. 50% of the school's children are not those of Target employees, because under state law, public schools must be open to any child of Minnesota residency, space permitting.	Mill City Montessori (K-4)	1990-
Mall of America (Bloomington, MN)/Metropolitan Learning Alliance (MLA)	five Twin Cities-area school districts	The school is primarily for the children of the mall's 10,000 employees, but can be attended by any child of Minnesota residency. The mall rents the classroom space to the districts at a low rate, whereas "the developers, corporations, businesses, private grants, and foundations" pay for utilities and maintenance. Management of the school is provided by a board of trustees, whose members include representatives from the five school systems. The cost of operating the mall school was estimated at $3 million over the first three years.	one school, K-3	1992-n/a
Edison	Mount Clemens, MI	See "Atascosa, TX" entry	Martin Luther King, Jr. Academy (K-5);	1995-
Edison	Mount Clemens, MI	See "Atascosa, TX" entry	Mount Clemens Junior Academy (6-8)	1996-
Edison	Mount Clemens, MI	See "Atascosa, TX" entry	Mount Clemens Senior Academy (9-10)	1997-
Goldman, Sachs & Co.	New York City, NY (Brooklyn)	Goldman, Sachs & Co. provides two full-time administrators, mentors, and SAT courses to the school.	Metropolitan Corporate Academy, an alternative high school	n/a

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Corporation	District	Services rendered/notes	Number of schools	Years
Joseph E. Seagram & Sons, Inc.	New York City, NY (upper East Side)	The company funds a school store, a vocal program, and a computer lab.	P.S. 198 (elementary)	n/a
Travelers Insurance Co. and many other businesses	New York City, NY (Wall Street area)	The corporations furnish "computers, training, internships and lecture series."	The High School of Economics and Finance	n/a
Sylvan	Newark, NJ	Sylvan was contracted to manage the remedial education program at the schools. A three-year, $1.25 million contract was signed, but the last two years of the contract are contingent on student improvement on a state standardized test.	three of the district's high schools	January 1996-n/a
Disney	Osceola County, FL	Disney added onto the county's $15.5 million for the building with the contribution of the campus grounds and $17.3 million "for curriculum development, [a] teaching academy, and architectural improvements to the school." The corporation will supplement the district's yearly $4,200/child with $5.5 million over a decade "for program enhancements." Disney has also promised to provide 1,550 training days annually for the teachers of Osceola County.	Celebration School (K-12)	1996-
Disney	Osceola and Orange Counties, FL	Districts provide educators and counselors; Disney provides the site (at its theme parks), mentors, and paid jobs. Students take English, social studies, science, and math, and learn accountability through their positions at Disney. As of April '95, the program had a record of graduating all but %10 of those who had participated, and of %40 of graduating participants going to college.	alternative school programs for 100+ high school students	n/a
Forever Learning, Inc.	Osseo, MN	Forever Learning, which is no longer in business, offered Chapter I and after-school programs.	n/a	n/a-1996
Nobel Education Dynamics, Inc.	Pembroke Pines, FL	Operation of elementary school.	one elementary school (when finished, pre-K-8)	1998-
Honeywell	Pinellas County, FL	Honeywell employees can enroll their children in the public school on company grounds. The district furnishes instructors, books, and curriculum, and Honeywell provides four portable classrooms, a playground, and maintenance services.	one school, K-2	n/a
Excel Ed. Centers, Inc.	Prescott, AZ	Operation of school.	one school grades 6-12	1995-

Corporation	District	Services rendered/notes	Number of schools	Years
Quabbin Bridge	Quabbin Regional School District, MA	The district formed the Bridge as its own non-profit organization. QRSD supervises and manages the program, which assists area "educationally disadvantaged youth" financially, socially, and academically. These students are not yet in other academic assistance plans. Programs, all by the students' voluntary participation, include one-on-one and small-group lessons after school and during free periods, applying a multi-sensory methodology. Teachers, parents, and community are also educated so that they support the students in their respective capacities.	districtwide, junior high- and high-school	1989-n/a
Nike	Saint Patrick High School, NJ	Nike paid the school $20,000 to switch from Adidas to their product.	--	n/a
Math Enrichment Research Center (MERC)	Saint Paul, MN	On a contract basis, MERC offered instruction and teacher training services, using a method called Mortensen Math. Elementary-age children learn basic mathematics by means of colored blocks, music, and algebra and calculus.	Chelsea Heights Elementary	n/a
First Bank Corporation	Saint Paul, MN	The Downtown Kindergarten is in a building across the street from the Saint Paul First Bank headquarters; First Bank employees' children have first priority, but the children of any downtown employee can attend, space permitting. A certified public school teacher leads the class; a public agency, Community Education, offers daycare until 5:30 p.m.	The Downtown Kindergarten	1989-n/a
3-M	Saint Paul, MN	Eastside Kindergarten, part of the Saint Paul Public Schools, offers metro-area 3-M employees (and all Minnesota residents, according to state law), kindergarten services in the Metro '94 business center, 2 miles from company headquarters. The public schools provide teaching staff and curriculum, while the corporation furnishes the facility. Of the 42 children in the kindergarten in the 1997-98 school year, 39 are of 3M employees.	Eastside Kindergarten	1990-
Excel Ed. Centers, Inc.	San Carlos, AZ	Operation of school.	one school, grades 6-12	1995-

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Corporation	District	Services rendered/notes	Number of schools	Years
Hewlett-Packard Company	Santa Rosa, CA	SLC (See Dade County/ ABIG entry above). Hewlett-Packard leases the 2.6 acres of property to the district at $1/year, the lease being renewable every 10 years. The corporation also prepared the site (creating playgrounds, surfacing a parking lot and a driveway, moving utility lines, etc.) at a $400,000 cost, and gave the district $89,000 to help cover start-up costs for the new building. The district provides two portable structures for "students, playground equipment, and school furnishings," and pays the faculty's salaries, maintenance, utilities, and for classroom supplies.	Hidden Valley Satellite School (K-1)	January 1993-n/a
Edison	Sherman, TX	See "Atascosa, TX" entry	Washington Elementary (K-4)	1995-
Edison	Sherman, TX	See "Atascosa, TX" entry	Dillingham Intermediate School (5-6)	1996-
The Partners in Arts of Minneapolis	South Saint Paul, MN	Began with four teachers, each with expertise in a field of the arts (visual arts, music, poetry, drama), who taught one day a week in the fall semester in the elementary school, heading to the district's high school for spring semester. The arts were used to help students learn core-curriculum materials.	Washington Elementary, district high school	1985-n/a
SABIS	Springfield, MA	Took over existing school, spending $500,000 to build addition to become a high school. SABIS supplies management, curriculum, teachers, "an entire package," adding on one grade each successive year of the 5-year contract.	Glickman Elementary (K-7)	1995-
SABIS	Somerville, MA	SABIS supplies management, staff, curriculum to school, adding one grade each successive school year	one charter school, K-8	1996-
Los Angeles County Office of Education/ Davidson & Associates Inc., Addison-Wesley Publishing Company Inc.	Texas (see "California" entry)	--	--	--

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Corporation	District	Services rendered/notes	Number of schools	Years
Dialogos International, Inc.	Wake County, NC	Dialogos, which now serves exclusively business people and private schools, offered instruction in Spanish, French, German, Italian, Russian, Chinese, and Japanese to students in grades K-12, later to students K-9. A representative from Dialogos stated that the firm might contract with public school districts again in the near future, and that the program in Wake County had been "successful"--the district has implemented the program that Dialogos offered, now using in-house staff.	districtwide	1982-1993
Edison	Wichita, KS	See "Atascosa, TX" entry	Dodge-Edison Elementary (K-5)	1995-
Edison	Wichita, KS	See "Atascosa, TX" entry	Jardine Junior Academy (6-8)	1996-
Edison	Wichita, KS	See "Atascosa, TX" entry	The Edison Ingalls Partnership School	1997-
Edison	Wichita, KS	See "Atascosa, TX" entry	The Edison Isely Partnership School	1997-
Beacon Education Management (formerly Alternative Public Schools, Inc.)	Wilkinsburg, PA	Beacon has a 5-year contract to provide management, and uses own [non-district] teachers--however, a judge ruled August 6, 1997 that the school district didn't have the right to contract out to a private company to run the school. The original 5-year contract may terminate at end of 1997-98 school year.	Turner Elementary	1995-
Excel Ed. Centers, Inc.	Williams, AZ	Operation of school.	one school grades 6-12	1995-
local community college	Wilmette, IL	Community college manages before-school K-5 French, Spanish, and German classes, "including registration, fees, and staff payroll and benefits."	Romona School (K-5)	n/a
Beacon Education Management (formerly Alternative Public Schools, Inc.)	Wilson, NC	Beacon manages the school.	Sallie B. Howard Charter School (K-5)	1997-
Edison	Worchester, MA	See "Atascosa, TX" entry	Seven Hills Charter School (K-8)	1996-

Compiled by Jennifer Dounay, ECS Information Clearinghouse

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CORPORATE ADVERTISING ON SCHOOL BUSES: STATE POLICY EXAMPLES

ECS Information Clearinghouse
May 1998

In an effort to gain extra income, school districts are turning to selling advertising space on school buses. Below is a list of state policies that address the practice:

State	Citation	Advertising content parameters addressed	Ad positioning on bus addressed	School advertisement fund to be established
AZ	15-342	Ads are to : (1) be age appropriate; (2) not promote product illegal for minors to buy; (3) comply with state sex education policy in abstinence.	Yes	Yes; funds therein "are not subject to reversion;" lists expenditures where moneys in fund are to be directed.
MN	121.175	Prohibits ads that: "(1) solicit the sale of, or promote the use of, alcoholic beverages and tobacco products; (2) are discriminatory in nature or content; (3) imply or declare an endorsement of the product or service by the school district; (4) contain obscene material; (5) are false, misleading, or deceptive; or relate to an illegal activity or antisocial behavior."	Yes	No--"All revenue from the contract shall be deposited in the general fund."
NV	387.606	Ads may not: "(1) Promote hostility, disorder or violence; (2) Attack ethnic, racial or religious groups; (3) Invade the rights of others; (4) Inhibit the functioning of the school; (5) Override the school's identity; (6) Promote the use of controlled substances, dangerous drugs, intoxicating liquor, tobacco or firearms; (7) Promote any religious organization; (8) Contain political advertising; (9) Promote entertainment deemed improper or inappropriate by the board of trustees."	No	Yes; board to allot money within district, "giving preference to the schools within the district that the district has classified as serving a significant proportion of pupils who are economically disadvantaged." Money to be used only for purchase of textbooks and laboratory equipment and for paying for field trips.

NM	22-28-1 to 22-28-6	Advertisements are not to include: "(1) obscenity, sexual material, gambling, tobacco, alcohol, political campaigns or causes, religion or promoting the use of drugs; or (2) general content that is harmful or inappropriate for school buses as determined by the state board."	Advertising may be on both exterior and interior of bus; rules for exterior placement addressed.	"The 'school bus advertising fund' is created in the state treasury and shall be administered by the department of education. The fund shall consist of money raised pursuant to this act. Balances in the fund at the end of any fiscal year shall not revert to the general fund. Income form investment of the fund shall be credited to the fund." 60% of proceeds raised go to school districts to spend in their technology plan; money distributed proportionate to amount contributed to fund. 40% of money to go to districts on a per membership basis of middle and junior high schools, for extracurricular activities.*
TN	49-6-2109	"(e) Nothing in this title shall prohibit a local school district from allotting space on the exterior or interior of a school bus for the purpose of commercial advertising. After consultation with the department of safety, the state board of education is directed to promulgate rules and regulations to effectuate the provisions of this subsection. Commercial advertising...shall not advertise alcohol or tobacco products. Commercial advertising permitted by this subsection shall not include campaign advertising as prohibited in @ 2-19-144, and any such campaign advertising shall be expressly prohibited."	Yes	No
TX	Transportation Code @ 547.701	"(d)...The department shall adopt rules to implement this subsection."	Yes	No

* In New Mexico, the state department of education oversees the school transportation program, although districts are responsible for the day-to-day operation of their school bus systems.

NOTE: STATES WHICH DO NOT EXPLICITLY ADDRESS ADVERTISING ON SCHOOL BUSES (i.e., Colorado) MAY OR MAY NOT PERMIT THE PRACTICE.

According to results of a 1997 National School Transportation Association survey, 38 states prohibit advertising on school buses, although Alaska and Maine allow advertising on the inside of school buses. These rules could not be found in searches of legislative codes; they may appear in state motor vehicle division regulations.

A sampling of districts which have sold advertising space on school buses:

Cherry Creek District 5, Colorado

Colorado Springs District 11, Colorado

Denver County District 1, Colorado

Rockville Centre UFSD [Long Island], New York--ads are from mentioned corporate sponsors, but show safety messages.

Daniel Webster Elementary School as well as other schools in San Francisco and San Mateo counties, CA and an unspecified school on Long Island, NY have a partnership with Old Navy under which children are provided free transportation on educational activities (field trips, extracurricular activities). Buses used in the program bear "Old Navy" advertising.

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Policy Brief ..... READING

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WHAT POLICYMAKERS NEED TO KNOW ABOUT STUDENT READING

June 1998

Learning to read is an essential foundation for success in school, employment and life. And in today's world of complex and ever-changing technology and communication, it is even tougher to succeed without strong reading skills. Educators and reading experts argue that students who cannot read at grade level by the end of 3rd grade have difficulties throughout school, perform poorly in other subjects and may never graduate. Further, the alternatives to reading achievement — grade retention, special education assignment and long-term remedial programs — are costly and typically less effective for students.

On the hopeful side, the knowledge and practices exist to teach all but a small percentage of students to read at or above grade level. Unfortunately, what is known about teaching students to read and preventing and/or correcting reading problems is not disseminated to or used in all schools across the country. While not the sole reason, some experts believe that the intense debate between phonics and whole-language supporters has interfered with teachers' access to clear, helpful and adequate information about reading approaches and programs.

This policy brief is intended to provide background information to state leaders on the following issues as they play an increasingly visible role in reading programs:

- Understanding how children learn to read
- Clarifying what research says about effective reading approaches
- Understanding why so many students aren't reading successfully
- Identifying what policymakers can do to help increase student reading performance.

HOW WELL ARE STUDENTS READING?

Too many students are not reading at grade level and apparently are not receiving adequate opportunities to catch up to their peers. The latest reading scores do not bode well for many students if they are to meet high academic standards and participate in a more demanding workforce. The 1994 National Assessment of Educational Progress (NAEP) Reading Assessment revealed that only 40% percent of 4th graders, 30% percent of 8th graders and 30% of 12th graders are reading at the Proficient level (based on Basic, Proficient and Advanced levels).

Significant differences persist among racial groups in the number of students attaining reading proficiency, illustrated by the following percentages (averaged for each of the three grades): Asian, 38%; black, 9%; Hispanic, 14%; and white, 35%. Another major gap exists between urban and nonurban students, with only 43% of urban 4th graders reading at the Basic level or higher compared to 63% in nonurban districts. The NAEP results also show that many students spend little time reading, despite research findings that indicate "time-on-task" affects achievement.

HOW DO CHILDREN LEARN TO READ?

According to one leading researcher, Reid Lyon of the National Institute of Child Health and Human Development, reading is a learned skill involving four general, distinct steps:

- Developing phonological awareness (understanding that sounds heard in spoken words correspond to letters seen in print)
- Linking sounds with specific letters
- Becoming a faster reader by automatically associating symbols and sounds
- Concentrating on the meaning of words.

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For example, when a child sees the word "cat;" the brain recognizes the word's sounds or phonemes ("kuh-aah-tuh"). The reader then links the sounds to letters (C-A-T) and identifies the word; lastly the brain applies meaning to "cat" using vocabulary, intelligence and reasoning.

Breakdowns anywhere in the process can signal and lead to reading problems. Many students with reading difficulties have auditory problems that prevent them from properly hearing or distinguishing sounds. These disabilities make certain reading methods that rely on sound/letter relationships, such as phonics, less effective for some students.

Brain research offers new insights for understanding and addressing reading problems. According to some researchers, as many as 20% of schoolchildren have mild to severe neurological disorders that make it hard for them to read. Neuroscientists now believe that many reading problems are related to the brain's inability to process what it hears and distinguish between subtle sounds, rather than incorrectly *seeing* words and letters. Further, they have discovered that people who cannot sound out words seem to have a lighter blood flow to the brain's language regions. While the reasons for this phenomenon are unclear, the initial findings might lead to better diagnosis of and intervention with reading problems.

WHAT DO WE KNOW ABOUT EFFECTIVE READING APPROACHES?

When it comes to "what works," the greatest agreement seems to be that no approach alone works best for all children under all conditions, nor will one particular method reverse the troublesome NAEP scores.

Marie Carbo, executive director of the National Reading Styles Institute, contends that the way to build and improve reading skills is to use a variety of strategies that recognize students have different strengths, weaknesses and reading styles. The more strategies teachers have at hand, the more they are able to switch gears and adapt their approach to the student's needs, and the more likely children will learn to read well.

Despite the debate over phonics vs. whole-language, there seems to be some general agreement about the basic reading skills that students should acquire during the primary grades, including the following:

- Phonemic awareness (understanding that sounds heard in spoken words correspond to letters seen in print)
- Common sound-spelling relationships in words
- Decoding strategies (reading words by sounding out their parts and blending them together)
- Vocabulary development and building
- Comprehension strategies (understanding the meaning of reading materials)

During 2nd grade and beyond, the focus should change slightly to help students develop reading strategies that strengthen their comprehension and retention skills and expand their vocabulary through a wide variety of reading materials (including narrative and factual pieces that expose them to science, history, geography and other content areas).

Over the years, research and practical experience have yielded a "what's-needed" list to increase students' chances of mastering reading. This list includes, but is not limited to, the following:

- Provide diagnostic and intervention services as early as possible.
- Use a variety of reading strategies and materials to meet individual student needs, expand vocabulary and strengthen comprehension.
- Provide high-quality preservice and professional development so teachers have sufficient knowledge and practical skills to teach reading to any student (especially those at risk), and can integrate the most appropriate practices into their classroom.
- Keep groups or classes as small as possible through innovative staffing, for example, by using other certified building staff, teachers aides and tutors.
- Set reading achievement as a top priority and devote as much time as possible to reading in the early grades.
- Involve parents in developing their children's readiness, ability and desire to become good readers.

The Debate Over Phonics and Whole-Language

Disappointing NAEP and statewide assessment reading scores have sparked a heated debate between phonics-based and whole-language supporters. The pendulum is swinging back to phonics after whole-language dominated during the 1980s and '90s. Evidence is emerging, however, that supports a balanced approach, incorporating the best attributes of phonics and whole-language.

Phonics focuses on letter-sound relationships and the combination of different letter sounds. This method teaches children to dissect unfamiliar words into parts and then blend isolated sounds together to make a recognizable word. Phonics, however, is not synonymous with phonemic awareness, and not all phonics programs incorporate this skill development.

Whole language is based on the belief that children learn to read like they learn to talk — by absorbing and imitating the language around them. The whole-language philosophy emphasizes reading for meaning and using literature rather than rules as a teaching tool.

Both approaches have their strengths and weaknesses. For example, phonics is credited with giving children better word pronunciation and word recognition, but can fall short on developing comprehension and vocabulary. Since phonics slices words into small pieces, some students have a difficult time understanding the broader meaning of the text. Whole language incorporates and stresses the rhythm of words and the meaning of text, but might leave some children struggling to sound out words unfamiliar to them.

Researchers at the National Institutes for Health (NIH) have studied the way children learn using pure phonics, pure whole-language and combinations of both. Their conclusion is that children learn to read best if they are first given "phoneme-awareness" training in the sounds of the English language and then taught the letter-sound relationships of traditional phonics. All along, teachers should expose children to literature by reading to them and giving them interesting books as in the whole-language method. Other reading experts emphasize the importance of allowing quick learners to move ahead as they grasp the basics of phonics to more literature-based reading.

As more researchers and teachers support a balanced approach, some states are following suit. Further, experts and educators are urging lawmakers to focus less on mandating a particular reading method and more on ensuring that elementary teachers are prepared to choose among several approaches to help all children learn to read.

WHY AREN'T MORE STUDENTS READING SUCCESSFULLY?

Despite differing opinions on the most appropriate ways to teach reading, a fairly extensive research base exists on how children learn to read. If so much is known, why aren't more students reading at grade level? Several reasons have been suggested, including: a lack of prevention, diagnosis and intervention related to reading problems; inadequate teacher preparation and professional development; and the absence of reading standards and accountability.

Prevention, Diagnosis and Intervention

Most reading problems are preventable, and nearly every child can learn to read successfully. Some students enter 1st grade more advantaged because of early childhood education and what they are exposed to at home. However, gaps between these and other children can be narrowed through appropriate instruction, proper diagnosis of reading skills, regular assessment of reading progress and, if necessary, intervention efforts.

According to the Center for Special Education Finance, the United States spends approximately $8 billion a year on special education services, most of which are related to language disabilities, including reading, writing and spelling. States and districts could cut special education costs and boost reading skills through better prevention programs, such as increasing the number of students — especially low-income — who receive high-quality prekindergarten and kindergarten services. These programs can improve children's cognitive and language skills, introduce them to the alphabet and letter sounds, expand their vocabulary and increase their knowledge about how the world works — all of which are important in learning to read. Neuroscientists even suggest that prevention services should begin with 0-3- year-olds and their parents, an issue which is catching the attention of an increasing number of state policymakers.

If children do develop difficulties with reading, then early, accurate diagnosis and appropriate intervention strategies are essential. One problem is that many teachers do not — or do not know how to — diagnose and correct reading problems soon enough, which, according to many educators and experts, should happen in 1st grade or before. Many schools wait until 3rd grade to identify children for remedial classes, which is more expensive and less effective than intervening earlier. NIH research indicates 74% of children diagnosed with reading disabilities in 3rd grade still have reading difficulties in 9th grade.

While most children learn to read by the end of 1st grade through regular classroom instruction, many need additional assistance. One-on-one tutoring has shown to be a more effective and, in the long run, a less expensive intervention than Title I and special education services. Some districts and schools, however, are using Title I dollars for more effective one-on-one or small-group tutoring programs, professional development and smaller classes. Studies of the "Success for All" reading program show intensive instruction in the early grades can cut special education enrollment by half to three-quarters, services which usually add $2,000 to $4,000 per pupil.

While some studies conclude that certified teachers are the best option for tutoring, well-trained and supervised paraprofessionals and volunteers can be valuable resources. Some experts, such as Barbara A. Wasik with the Center for Research on the Education of Students Placed At Risk, argue more research is needed if the potential of volunteer tutoring is to be realized. But if volunteers are

used, Wasik believes it is necessary to have a designated coordinator and knowledgeable trainer, consistent training, frequent tutoring sessions, and coordination between tutoring approaches and classroom instruction.

Teacher Preparation and Professional Development

Some experts contend inadequate teacher preparation and professional development is a central reason so many students are failing to read at grade level. Despite existing knowledge about how children learn to read and appropriate reading instruction, many teacher candidates do not have the depth and breadth of training needed to ensure they can teach all students to read. Typically, prospective elementary teachers take a maximum of two or three reading courses, and some alternative route teachers might not receive any formal training. Not only is the number of courses inadequate, but quite often the content is as well.

State policy changes can enhance teachers' knowledge and skills through revised course content and graduation requirements for teacher education programs, tougher accreditation standards for institutions, stiffer licensing rules for elementary teachers and higher quality professional development.

Reading Standards and Accountability

Unlike many other disciplines, standards for students and teachers related to reading have not been clearly defined. Some experts and teachers believe standards have not been developed because of debates and disagreements over how best to teach reading and how to interpret research findings about reading development and programs. Nonetheless, reading standards could provide guidelines for teachers about what students should know and when, greater accountability for students to perform at grade level and more consistency across classrooms for what is taught and learned.

WHAT CAN POLICYMAKERS DO TO IMPROVE READING RESULTS?

The following section includes *policy questions* related to reading performance, *current state activity* aimed at increasing reading achievement and *recommendations* put forth by reading experts, educators and researchers to improve student reading skills. Some recommendations reinforce existing state policies, while others suggest additional or alternative options.

How can states help prevent and turn around student reading problems?	
Current State Activities	Additional Recommendations
• Providing grants for or requiring districts to provide intervention and remedial services, especially to at-risk students • Requiring summer school, extended day or tutoring programs for students who fail to meet designated achievement levels before 3rd grade • Requiring or encouraging districts to diagnose reading readiness, skills and progress • Identifying students at risk of reading failure before they enter 2nd grade.	• Provide supplemental or full funding for at-risk children to attend preschool or other early childhood programs • Provide information and partial funding to districts for appropriate diagnosis of reading skills as children enter 1st grade, followed by immediate intervention if necessary and regular assessment of student progress • Provide information about and encourage districts to use various reading instruction methods • Encourage districts to adopt reading programs and prevention services that increase parents' involvement in teaching their children to read.
How can states help districts and schools choose appropriate reading programs and approaches?	
Current State Activities	Additional Recommendations
• Identifying, providing funding for and/or encouraging districts to implement reading programs research has proved effective.	• Sponsor studies and/or increase funding to identify programs that improve reading skills, including under which conditions and for which students • Require or encourage districts to evaluate reading programs, report results on a regular basis and coordinate these results with instruction and teaching methods • Provide grants to implement research-based reading programs and require recipients to evaluate and report results • Establish a state information center to share information about various reading programs; student assessments that are accurate, cost-efficient and "time efficient"; and effective uses of technology for reading instruction and assessment.

Should states mandate or promote particular reading approaches or programs?	
Current State Activities	Additional Recommendations
• Encouraging or requiring schools to use phonics instruction • Requiring or encouraging districts to use a balanced approach to reading instruction -- phonics and whole-language • Providing funds and/or training for particular reading programs (i.e., Reading Recovery).	• Promote use of several appropriate reading approaches and programs to meet all students' needs • Ensure all teachers can assess students' abilities and adapt instructional methods to meet student needs • Disseminate information on how reading programs match various students' needs.
What state policies could provide teachers with the skills and knowledge they need to help all students read successfully?	
Current State Activities	Additional Recommendations
• Requiring professional development plans or providing funds to improve elementary teachers' ability to teach reading (some initiatives focus on phonics) • Requiring teachers to pass reading instruction competency tests before receiving certification • Increasing number and quality of reading courses in teacher education programs and those required for certification.	• Strengthen certification requirements and competency tests for elementary teachers • Increase quality and quantity of reading courses in teacher education programs and match to state or district academic standards • Provide grants for teacher staff development and require grant recipients to evaluate results.
How does reading achievement fit with other state policies to improve student performance?	
Current State Activities	Additional Recommendations
• Mandating that districts set kindergarten reading readiness goals, reading standards for the primary grades and/or for grades 4-8 • Requiring districts to report student reading progress and number of students falling behind • Retaining students not reading at grade level by 3rd grade and/or requiring their participation in summer reading programs • Requiring individual student or school improvement plans for raising reading achievement levels.	• Develop reading standards for students in the early grades, accompanied by assessments and accountability for reaching standards • Monitor textbook adoption to ensure materials support research on effective reading practices, state academic standards and district learning goals • Promote importance of reading competency throughout the state.

Below are a few examples of state policies related to reading:

Arkansas: An Early Literacy Program initiated in 1993 for grades K-3 combines early intervention, one-on-one tutoring, small-group reading instruction and extensive teacher training. Reading Recovery is used in more than 20% of schools and is supported by funds from foundations and the legislature. Prevention and parent-support groups such as Home Instruction Program for Preschool Youngsters focuses on getting children ready to learn and read.

Colorado: In 1996, the State Board of Education established kindergarten reading-readiness levels. Beginning in 1998-99, each district annually must assess reading readiness or literacy and comprehension levels of students in kindergarten or 1st and 2nd or 3rd grades. An individual literacy plan must be developed for students falling behind the literacy levels, and students cannot be passed on from 3rd- to 4th-grade reading classes if they score below the state level. In addition, districts must report the percentage of 3rd-grade students who: (1) read at or above 3rd-grade level, (2) have an individual literacy plan and (3) increase their literacy and reading levels by two or more grades during the year.

Several states are focusing on teacher quality. For example, ***Maryland's*** state superintendent has recommended increasing the number of reading courses required for prospective teachers from one to four. As part of a broad overhaul of reading policies, ***California*** will require teaching candidates to pass a new Reading Instruction Competence Assessment.

SUMMARY

State leaders can play an important role in raising students' reading competency levels and setting a foundation for success throughout students' lives. But policymakers must be well-informed about ways to influence student reading results positively and to turn around low reading scores. As state leaders reexamine existing and adopt new reading policies, they should consider what

research and practice say about how children successfully learn to read. Many reading experts and educators suggest lawmakers should target their efforts to the following areas: prevention, early diagnosis of and intervention with reading problems, teacher preparation and professional development, student reading standards and accountability for reading results. Beyond establishing initial policies, state leaders will need to keep an eye on the impact of their efforts as the results roll in.

RESOURCES AND STUDIES ON READING

Listed below is a limited selection of research on reading programs and studies on the development of student reading skills. This list represents only a few of the valuable resources and studies available on reading.

Study	Description and Conclusions
Building on the Best, Learning from What Works: Seven Promising Reading and English Language Arts Programs American Federation of Teachers, 1998 AFT, 202-879-4400	• Describes seven reading and English language-arts programs for raising student achievement (especially in low-performing schools) that show evidence of high standards, effectiveness and replicability, and include support structures for the program. *Conclusions* • No conclusions were drawn.
Reading Programs for Students in the Lower Elementary Grades: What Does the Research Say? Texas Center for Educational Research (TCER), 1997 TCER, 512-467-3632	• Reviews existing research on 17 reading instruction programs targeted to the early grades, including instructional strategies and curricular content, resources needed for implementation and evidence of effects on student results. • Does not identify "the best" program, but provides a summary of research to make better decisions about reading instruction. *Conclusions* • Teachers must know and use multiple strategies in order to teach all students to read. • Reading programs should balance systematic instruction in reading skills and in-depth exposure to meaningful language. • Research should guide, but not dictate selection of reading programs.
Results-Based Practices Showcase Kentucky Department of Education (KDE), 1997-98 KDE Bookstore, 502-564-3421	• Compiles programs and instructional practices with fairly consistent results, including several reading and writing programs. • Lists each practice's effectiveness, program description, teacher support, equipment requirements, costs and contact for information. *Conclusions* • No conclusions were drawn.
Preventing Reading Difficulties in Young Children National Research Council (NRC), 1998 NRC, 800-624-6242 or National Academy Press, www.nap.edu/bookstore	• 17-member panel of scholars studied a wide range of reading research over two years. *Conclusions* • Integrate teaching techniques that develop phonemic awareness, reading fluency and comprehension. • Learning to read cannot be accomplished through single-focused instruction methods. • Many reading problems are preventable through high-quality instruction and early exposure to language skills and rich literature. • Report called for: (1) adequate teacher preparation, including for preschool providers; (2) restructuring of teacher education; (3) money for smaller class sizes and quality instructional materials; and (4) more parental involvement.

30 Years of Research: What We Now Know About How Children Learn To Read National Institute of Child Health and Human Development (NICHD). 1997 NICHD. 301-496-9849	• Summarizes 30 years of NICHD efforts to improve quality of reading research by conducting long-term, prospective, longitudinal and multi-disciplinary research. *Conclusions* • Reading difficulties reflect a persistent deficit, rather than a developmental lag in linguistic and basic reading skills. • Phonemic awareness must be combined with explicit, systematic instruction in common sound-spelling relationships. • Recommendations include: (1) begin teaching phonemic awareness directly by kindergarten, (2) teach each sound-spelling correspondence explicitly, rather than by giving clues,(3) balance decoding instruction with use of real stories to develop comprehension.
The Reading Crisis: Why Poor Children Fall Behind Jeanne Chall, V. Jacobs and L. Baldwin, 1990	• Studied reading performance and literacy development of low-income students in grades 2 and 3 and 4-7. *Conclusions* • Even if achievement in early grades was on par with general population, scores often dipped around 4th grade. • After 3rd grade, low-income students had difficulty defining more abstract, academic and uncommon words, and need to focus on reading skills such as vocabulary development. • Strong reading programs in early grades help low-income students move successfully to intermediate grades. • Educators need to diagnose and anticipate reading difficulties and intervene as early as possible. • Students' literacy development in 4th grade and beyond is significantly influenced by degree and sophistication of stimulation in language and literacy at home.

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High School Graduation Requirements

ECS Information Clearinghouse
As of November 1998

High school graduation requirements vary greatly among the states. Most states (44) establish minimum course requirements that must be satisfactorily completed in order for a student to qualify for high school graduation. These requirements are listed in this analysis as academic units equivalent to one year's instruction in the subject area. Specific course requirements for each state are addressed in the comments section. States mandate the completion of as many as 24 units for high school graduation (Alabama, Florida and Utah) or as few as 13 (California and Wyoming), allowing local districts to add additional course requirements. Six states (Colorado, Iowa, Massachusetts, Michigan, Minnesota and Nebraska) leave the determination of course graduation requirements under the local control of school boards or districts. Among the states that direct course requirements, the average total required is twenty units.

The majority of states require completion of four units in language arts/English in order to graduate. Among the states that mandate requirements in social studies, math and science, the average unit requirements are: social studies - 3 units, math - 2 units and science - 2 units. There is clearly a trend among the states to increase the required units in math and sciences.

In recent years many states have added a requirement to demonstrate proficiency by passing an exit examination in certain subject areas in order to qualify for a high school diploma. Twenty-two states now require passing exit examinations prior to graduation. Two states (Delaware and Washington) have passed legislation or policy which will require passing an examination to qualify for a high school diploma. Implementation of the requirement in Delaware begins in 2000 and in Washington during the 2000 - 2001 school year.

States adding innovative ideas to their graduation requirements include Maryland, which requires students to complete 75 hours of community service, and West Virginia, which requires local boards to establish a "work based learning" requirement designed to develop student's workplace potential.

State	Citation	Lang Arts	Soc Stud	Math	Sci	P.E.	Elect	Other	**Total**	Must pass exams or proficiencies	Comments	Last Known Revision
AL	Ala. Code § 16-6B(2); Ala. Admin. Code r.290-030-010	4	4	4	4	1.5	5.5	1	24	Yes	Passing graduation exams in reading, language, math, science and social studies is required. Math requirement includes algebra I and geometry. Science includes 1 biology and 1 physical science. Physical education requirement consists of 1 in PE and .5 in health. Other requirement consists of .5 in fine arts and .5 in computer applications. Demonstration of computer literacy through related coursework is required.	1995
AK	Alaska Admin. Code tit. 4, § 06.075	4	3	2	2	1	9	0	21	Yes	Students must pass a competency exam in reading, writing and math. Electives are established by the local board of education.	1997
AZ	Ariz. Rev. Stat. § 15-701.01; Ariz. Admin. Code R7-2-302.04	4	2.5	2	2	0	8	1.5	20	Yes	The state board of education adopts competency tests in reading, writing and math. Language arts requirement must include .5 of speech/debate. Social studies requirement consists of 1 world history/geography and 1.5 in U.S./Arizona history and constitutions. Other requirement consists of .5 in free enterprise system and 1 in fine arts or vocational education.	1996
AR	Ark. Code Ann. § 6-15-401/407; rules and regulations to Act 981 of 1991 and Act 997 of 1997	4	3	3	3	1	6	1	21	No	Basic competencies are tested in grades 4, 8, and 11 or 12 in science, math, English, history and social studies. Science includes 1 life science and 1 physical science. Physical education consists of .5 in PE and .5 in health and safety. Other requirement consists of .5 in oral communication and .5 in fine arts. Arkansas also issues a college preparatory and technical diploma beyond the basic diploma. The college prep diploma maintains the total units required but defines courses which must be taken in social studies, math and science. Electives are reduced to 4 and the other category then includes 2 units in foreign language. The technical diploma also defines courses which must be completed in social studies, math and science; eliminates electives; and adds 6 units in sequential and related vocational credits to the other category. Legislation in 1997 eliminates the three diploma types and creates a common core curriculum for all students beginning with the graduating class of 2002. Requirements remain the same as the current basic diploma. Math requirement then includes 1 in algebra or equivalent and 1 in geometry or equivalent. Science requirement then includes 1 in biology or equivalent and 1 in physical science.	1997
CA	Cal. Educ. Code § 51225.3, 52251 and 52480	3	3	2	2	2	Local	1	13	No	Electives are left to the discretion of the local board of education. Social studies consists of 1 U.S. history and geography; 1 world history, culture and geography; .5 American government and .5 in economics. Science includes biological and physical sciences. Other requirement includes foreign language or visual or performing arts.	1990

State	Citation	Lang Arts	Soc Stud	Math	Sci	P.E.	Elect	Other	Total	Must pass exams or proficiencies	Comments	Last Known Revision
CO	Colo. Rev. Stat. Ann. § 22-7-205 and 409, 22-11-104	*	*	*	*	*	*	*	*	No	Legislation in 1998 implemented a statewide assessment program as part of the indicators for state accreditation. Beginning with the spring semester of 2001, the program requires all 10th graders to take an assessment in reading, writing and math. Beginning with the spring semester of 2003, 12th graders scoring below proficient on the 10th grade assessment will retake the assessment. Results of the retake exam will be included as accreditation indicators. *Colorado is a local control state where the curriculum and other graduation requirements are left to the discretion of the individual local districts.	1998
CT	Conn. Gen. Stat. § 10-221a	4	3	3	2	1	6	1	20	No	Other requirement consists of 1 arts or vocational education. Fifty hours of community service may be used for .5 credits towards graduation requirements.	1996
DE	Del. Code Ann. tit. 14, § 151; Del. Admin. Code 72-000-003; Delaware handbook for K-12 education	4	3	2	2	1.5	6.5	1	20	No (Yes, as of 2000)	Delaware student testing program assesses performance of 10th graders in reading, writing and math. In June of 2000, only those students passing exams will be eligible for a diploma. Physical education consists of 1 in PE and .5 in health. Other requirement consists of computer literacy. Requirements for the graduating class of 2000 increases the total to 22, increases both math and science to 3 units, eliminates electives and changes the other requirement to 7.5 to consist of 3 in career pathways (academic, visual and performing arts, foreign language or vocational education program), 1 in computer literacy and 3.5 in additional academic, visual and performing arts, foreign languages and/or vocational technical education program units. The graduating classes of 2001 and beyond retain these same requirements except that 1 unit of visual and performing arts will be required as part of the 7.5 other course requirement.	1997
DC	District of Columbia Public Schools, Senior High Schools Division, Graduation Requirements Handbook	4	3.5	3	3	1.5	3.5	5	23.5	No	Social studies requirement consists of 1 in U.S. history, 1 in world history, .5 in U.S. government, .5 in world geography and .5 in D.C. history/government. Math requirement includes algebra. Science requirement includes 1 in laboratory science. Physical education includes health. Other requirement consists of 2 in foreign language, 1 in career/vocational education, 1 in social values/life skills, .5 in art and .5 in music.	

State	Citation	Lang Arts	Soc Stud	Math	Sci	P.E.	Elect	Other	**Total**	Must pass exams or proficiencies	Comments	Last Known Revision
FL	Fla. Stat. Ann. § 229.57 and 232.246	4	2.5	3	3	1	9	1.5	24	Yes	All 11th grade students must pass competency tests. Social studies requirement consists of 1 American history, 1 world history and .5 in American government. Two of the science units must be in laboratory sciences. Physical education consists of .5 in PE and .5 in life management skills. Beginning in the 1997-98 school year 1 math credit must be in algebra 1 or higher. School boards may award .5 credits for 75 hours of community service. Other requirement consists of .5 in economics and 1 in arts or exploratory career education. Students must achieve a 2.0 GPA to graduate.	1997
GA	Ga. Code Ann. § 20-2-281; Ga. Comp. R. and Regs. r. 160-4-2-06,-30 And -36	4	3	3	3	1	2 (or 4)	5 (or 3)	21	Yes	All 11th grade students must pass a curriculum based assessment exam prior to graduation. Georgia issues a college preparatory or vocational diploma. The math requirement includes 1 algebra unit. The vocational diploma other requirement consists of 4 vocational diploma units and 1 in computer technology. For the college preparatory diploma the other requirement consists of 2 in foreign language and 1 in computer technology and/or fine arts and/or or vocational education and/or junior ROTC and/or foreign language.	1997
HI	Haw. Rev. Stat. § 8-12-21; Department of Education regulation No. 4540	4	4	3	3	2	6	0	22	Yes	The Hawaii state test of essential competencies (HSTEC) is administered to 10th grade students. Passing is required to graduate. Physical education requirement consists of 1 in PE, .5 in health and .5 in guidance. For a diploma with a board of education recognition endorsement, students must add 2 units in foreign language, performing/fine arts or vocational education (total 24 units) and maintain a 3.0 GPA.	1995
ID	Idaho Admin. Code r. 08.02.03. 100	4	2.5*	2	2	1.5	6	3	21	No	To qualify for graduation the state board of education requires either a C average in core subjects, demonstrated competency on statewide achievement test and direct writing assessment in the 11th grade or validation of student achievement through an approved, locally developed, core competency plan. Science requirement includes 1 in laboratory science. Physical education requirement consists of 1 in PE and .5 in health. Other requirement consists of .5 in reading, .5 in speech or debate and 2 in humanities. * The social science requirement includes 1 U.S. history and 1 in American government. Effective July 1, 2000 the requirement is increased to 2.5 adding .5 in economics.	1993

State	Citation	Lang Arts	Soc Stud	Math	Sci	P.E.	Elect	Other	**Total**	Must pass exams or proficiencies	Comments	Last Known Revision
IL	105 Ill. Comp. Stat. Ann. 5/27-22; Ill. Admin Code tit. 23, § 1.420, 1.440 and 1.445	3	2	2	1	4.5	2.25	1.25	16	No	Passing end of course exam in American history and government is required to graduate. Social studies requirement includes 1 in U.S. history and .5 in American government. Science requirement may include 1 unit in computer technology. Physical education requirement consists of 4 in PE and .5 in health. Other requirement includes 1 from music, art, foreign language or vocational education and .25 in consumer education. Students may test out of consumer education requirement.	1995
IN	Ind. Code Ann. § 20-10.1-16-13; Ind. Admin. Code tit. 511 r. 6-7-2/7	4	2	2	2	1.5	8	0	19.5	Yes	Obtaining the educational proficiency standard through the Indiana statewide testing for educational progress program is required for graduation. Statute requires state board to determine grade level for the test, but it must be given higher than the 9th grade. Students must successfully complete a course concerning the constitutions of the U.S. and Indiana to graduate. Social studies requirement includes 1 in U.S history and .5 in U.S. government. Physical education requirement is 1 in PE and .5 in health and safety.	1995
IA	Iowa Code Ann. § 256.7, 256.9 and 261C.5; Iowa Admin. Code r. 281-12.3 and 12.5(5)	*	*	*	*	**	*	*	*	No	Legislation in 1998 requires the establishment of a set of core academic indicators in reading, math, and science for grade 11. * Graduation requirements are determined on a local level guided by an established minimum education program which must be offered in public schools. Requirements include 1 unit of U.S. history and .5 in American government. ** All students must participate in physical education each semester unless they are specifically excused.	1998
KS	Kan. Admin. Regs. 91-31-12h	4	3	2	2	1	9	0	21	No	Passing a course in Kansas history and government between the 7th and 12th grade is required for graduation. The language arts requirement includes 3 English units. The social studies requirement includes 1 American history and .5 in American government. The physical education requirement may include .5 units in health.	1989
KY	Ky. Rev. Stat. Ann. § 156.160 and 158.6453	4	3	3	3	1	7	1	22	No	An assessment exam is given in reading, math, science, social studies, and writing during 11th grade. A writing portfolio is required in 12th grade. Passing is not tied to graduation. Social studies units incorporate U.S. history, economics, government, world geography and world civilization. Math requirements include algebra 1 and geometry. Physical education requirement consists of .5 in PE and .5 in health. Other requirement is completed in visual and performing arts.	1997

State	Citation	Lang Arts	Soc Stud	Math	Sci	P.E.	Elect	Other	**Total**	Must pass exams or proficiencies	Comments	Last Known Revision
LA	State Department of Education System Policies and Standards No. 2.099.00 through .02	4	3	3	3	2	8	0	23	Yes	Passing state graduation test is required. Social studies requirement consists of 1 in American history, 1 in world history/geography/civilization, .5 in civics and .5 in free enterprise. Math requirement includes algebra. Science requirement includes biology. Physical education requirement is 1.5 in PE and .5 in health. Louisiana honors curriculum (to receive a Regent's diploma) increases the total unit requirement to 24. Social studies and math are increased to 4, electives are reduced to 4 and the other requirement is increased to 3 which consists of 2 in foreign language and 1 in fine arts.	1998
ME	Me. Rev. Stat. tit., 20A § 4722; Code Me. R. § 05 - 071-127	4	2	2	2	1.5	3.5	1	16	No	Students must pass computer proficiency standards. Social studies requirement includes 1 in American history and government. Science requirement includes 1 year of laboratory study. Physical education requirement consists of 1 in PE and .5 in health. Other requirement is obtained in fine arts.	1992
MD	Md. Regs. Code tit. 13A, §03.01 and .02; State Department of Education bylaws, graduation requirements, .01 through .06	4	3	3	3	1	3	4	21	Yes	Passage of English, math and government exams are required for graduation. Biology may be included at the discretion of the local district. Other requirement consists of 1 in fine arts, 1 in technology education, and 2 in either foreign language or advanced technology. Completion of a state approved career and technology program may substitute for the advanced technology units. Additionally, 75 clock hours of student community service is required for graduation.	1997
MA	Mass. Ann. Laws ch. 69 § 1D/1I	*	1	*	*	4	*	*	*	Yes	Competency determination in math, science and technology, history and social science, foreign languages, and English, at the tenth grade level based on comprehensive diagnostic assessment is required for graduation. Social science unit requirement is in American history. *Local boards determine all remaining requirements.	1994
MI	Mich. Comp. Laws Ann. § 380.1279	*	*	*	*	*	*	1	*	No	State assessment tests are administered in communications skills, math, science and social studies. Students passing tests receive a state endorsement on their diplomas. Local boards may issue diploma for completion of their established graduation requirements regardless of whether the student receives the state endorsement. Other requirement is civics. * All remaining requirements are established by the local board. The state board establishes academic curriculum content standards model setting forth desired learning objectives in math, science, reading, history, geography, economics, American governance and writing.	1997

State	Citation	Lang Arts	Soc Stud	Math	Sci	P.E.	Elect	Other	Total	Must pass exams or proficiencies	Comments	Last Known Revision
MN	Minn. Stat. Ann. § 121.11(7c); Minn. R. 3501.0010 to .0290	*	*	*	*	*	*	*	*	Yes	Students must pass a state test, or approved alternative test, in writing composition, reading and math. Testing usually begins in the 10th grade depending on the district. *A "profile of learning" requirement has been enacted which requires students to complete 24 of 48 standards in broad academic areas prior to graduation.	1998
MS	Miss. Code Ann. § 37-16-1 and 7; Code Miss. R. 36-000-069	4	3	3	2	0.5	6	1.5	20	Yes	Students must demonstrate minimum performance standards in reading, writing and math on state examination. Social studies requirement consists of 1 in U.S. history, 1 in world history, .5 in U.S. government and .5 in Mississippi studies. PE requirement is in health. Other requirement is 1 in arts and .5 in computer education. For the graduating class of 2002 electives are reduced to 4.5 units, science is increased to 3 units and other is increased to 2 units with the addition of a .5 unit of keyboarding.	1998
MO	Mo. Rev. Stat. § 160.45 and 170.011; Mo. Code Regs. Ann. tit. 5, § 50-340.010	3	2	2	2	1	10	2	22	No	Students must pass an end of course exam in the principles of the constitutions of the U.S and Missouri prior to graduation. Social studies requirement includes .5 in U.S. and state government. Other requirement consists of 1 in fine arts and 1 in practical arts.	1993
MT	Mont. Admin R. 10.55.904 and 905	4	2	2	2	1	7	2	20	No	PE requirement is in health. Other requirement consists of 1 in fine arts and 1 in practical/vocational arts.	1992
NE	Neb. Rev. Stat. Ann. § 79-729	*	*	*	*	*	*	*	*	No	*Nebraska requires that students complete a minimum of 200 high school credit hours prior to graduation. A minimum of 80% of these hours must be completed in core curriculum subjects. Local boards determine requirements.	1996
NV	Nev. Admin. Code ch. 389, § 655 and 664	4	2	2	2	2.5	8.5	1.5	22.5	Yes	Students must pass the Nevada high school proficiency examinations in reading, math and writing for graduation. Social studies requirements consists of 1 in American history and 1 in American government. Physical education requirement is 2 in PE and .5 in health. Other requirement is 1 in arts and humanities and .5 in computer literacy. Computer literacy may be waived by demonstration of competency.	1997
NH	N.H. Code Admin. R. Ann. (Educ) 306.23 (d)	4	2	2	2	1.25	7	1.5	19.75	No	Social studies requirement includes 1 U.S. and New Hampshire history and government. Science requirement is 1 physical science and 1 biological science. Physical education requirement is 1 PE and .25 health. Other requirement is .5 arts, .5 computer education and .5 business/economics. Computer education requirement may be met through examination or course prior to high school	1993

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State	Citation	Lang Arts	Soc Stud	Math	Sci	P.E.	Elect	Other	**Total**	Must pass exams or proficiencies	Comments	Last Known Revision
NJ	N.J. Stat. Ann. § 18A:7C-1 and 2; N.J. Admin. Code, tit. 6 § 8-7.1	4	3	3	2	4	4.5	1.5	22	Yes	Passing statewide proficiency examination in the 11th grade in reading, writing, and math is required for graduation. Social studies requirement consists of 2 U.S. history and 1 world history/cultures. Science requirement must be fulfilled with natural or physical sciences. Other requirement consists of 1 in fine, practical or performing arts and .5 in consumer education.	1996
NM	N.M. Stat. Ann. § 22-2-8.4	4	3	3	2	1	9	1	23	Yes	Students must pass a state competency exam in order to receive a diploma. If exam is not passed student receives a certificate of completion upon exit at the completion of 12th grade. Social studies requirement consists of government and economics, world and U.S. history and geography. Science requirement includes 1 lab component. Other requirement consists of 1 communications skills unit.	1997
NY	N.Y. Comp. Codes R. & Regs. tit. 8, § 100.5	4	4	2	2	2.5*	5	1	18.5*	Yes	Passage of comprehensive exams in English, math, U.S. history and government, science and global studies is required for graduation. Within an established range, local districts may determine passing scores. New York issues either a local or Regent's diploma. Requirements for a Regent's diploma include more stringent course difficulty sequencing and additional exams. A minimum sequence of three units in a second language is required for the Regent's diploma. The other requirement is in art or music. * Physical education requirement includes .5 of health. Only the health unit may be counted towards total graduation credit.	1996
NC	N.C. Gen. Stat. § 115C-174.11; N.C. Admin. Code tit. 16, r. 6D.0103	4	3	3	3	1	6	0	20	Yes	State competency examination is required for graduation. Social studies requirement consists of 1 in government and economics, 1 in U.S. history and 1 in world studies. Math requirement includes 1 in algebra I. Science requirement includes 1 in biology and 1 in physical science.	1993
ND	N.D. Cent. Code § 15-21-09, 15-41-06/08 and 24; course requirements established by superintendent of public instruction memo	4	3	2	2	1	5	0	17	No	Social Studies requirement includes 1 in world history and 1 in U.S history, both with strong geography components. The math requirement may include business math. The state department of public instruction sets the state minimum of 17 total units. State recommends that school districts establish their requirements at a minimum of 20 units.	1993

State	Citation	Lang Arts	Soc Stud	Math	Sci	P.E.	Elect	Other	Total	Must pass exams or proficiencies	Comments	Last Known Revision
OH	Ohio Rev. Code Ann. § 3313.603 and 3301.0710; Ohio Admin. Code § 3301-35-02	3	2	2	1	1	9*	0	18	Yes	Passage of exams for proficiency in reading, writing, math, science and citizenship are required for graduation. Social science requirement includes .5 in U.S. history and .5 in U.S. government. Physical education requirement consists of .5 in PE and .5 in health. * A graduation requirement exists to complete 3 units in a subject other than English and are considered a minor. Effective September 15, 2001, total units required for graduation will be increased to 21. Individual subject increases include: language arts to 4, social studies to 3, math to 3, and science to 2 (includes 1 in biology and 1 in physical science). Electives are reduced to 8 units. After September 15, 2003, science units increase to 3 and electives are reduced to 7 units.	1998
OK	Okla. Stat. Ann. tit. 70 § 1210.508 Okla. Admin. Code § 210-9:35; State Board of Education regulations 210-9:35	4	2	2	2	0	8	2	20	No	Competency tests are administrated in math, science, English, history, geography and culture, and the arts during the 11th grade. However, they are not tied to graduation requirements. Social studies requirement includes U.S. and Oklahoma history. Other requirement consists of 1 in visual arts and 1 in general music. For the graduating class of 2000 total units increase to 21 by increasing math to 3.	1996
OR	Or. Rev. Stat. § 329.025, .035, and .465 through .485; Or. Admin. R. 581-022-1130	3	3	2	2	2	9	1	22	No	Certificates of initial mastery are issued to sophomores for demonstrated proficiency in core subject areas. Certificates of initial mastery are not required to graduate. A statewide assessment is given to 10th graders in math, English, science and history. Physical education requirement consists of 1 in PE and 1 in health. Other requirement consists of 1 in applied arts, fine arts or foreign language.	1997
PA	22 Pa. Code § 5.202, 203.213, 214 and 253	4	3	3	3	1	5	2	21	No	Students must achieve 52 state academic performance standards and locally developed student learning outcomes. Students must also complete a project in one or more areas of concentrated studies. Pennsylvania is phasing out the required units in individual subject system. Graduation requirements are now based on the local districts submission of a strategic plan, fulfillment of the state performance standards and local student learning outcomes. Currently, the other requirement must include arts/humanities or computer science.	1993

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State	Citation	Lang Arts	Soc Stud	Math	Sci	P.E.	Elect	Other	Total	Must pass exams or proficiencies	Comments	Last Known Revision
RI	R.I. Code R. 08 050 001	4	2	2	2	0	6	0	16	No	Students are required to take educational assessment examinations in reading, writing and math during 10th grade. The social studies requirement includes 1 in U.S. history and government. Rhode Island also directs a college bound track which increases total units to 18. For this track, the math requirement is increased to 3 units, the science requirement must consist of laboratory sciences, electives are reduced to 4 units, and the other requirement is 3 units consisting of 2 in the same foreign language, .5 in arts and .5 in computer literacy.	1989
SC	S.C. Code Ann. § 59-39-100; 43 S.C. Code Ann. Regs. 232 to 235, 259	4	3	3	2	1	7	0	20	Yes	Passage of an exit examination in reading, writing, and math is required for graduation. Students are allowed four opportunities to pass the examinations. South Carolina uses a technical preparation track and a college preparation track to fulfill course requirements. Technical track students who will graduate in the year 2000 must use electives to complete a career major which consists of four sequential units in an occupational program. Social studies requirement includes 1 in U.S. history, .5 in U.S. government and .5 in Economics. Physical education requirement may be met with junior ROTC. The graduating class of 2001 must fulfill 24 total units for graduation. This includes increasing math to 4, science to 3 and the other category requirements to 2. The other requirement category will consist of 1 unit in computer science and 1 in either foreign language (college prep track) or 1 vocational unit (technical prep track).	1997
SD	S.D. Admin. R. 24:03:06: 05 and 06.01	4	3	2	2	0	8	1	20	No	Language Arts requirement includes 1.5 in writing, 1 in literature (of which .5 is American literature) and .5 in speech. The social studies requirement includes .5 in U.S. history, .5 in U.S. government, and .5 in geography. Science requirement is in laboratory sciences. The other requirement consists of .5 in computer studies and .5 in fine arts. Students may complete the computer studies requirement through demonstrated mastery of basic course content.	1996
TN	Tenn. Code Ann. § 49-6-6001; State Board of Education rule no. 0520-1-3-.06	4	3	3	3	1	2 (or 3)	4 (or 3)	20	Yes	Passage of the Tennessee comprehensive assessment program tests is required to obtain a full diploma. Certificates of attendance or unsatisfactory performance are issued to students not passing the examination. Math requirement includes algebra . Science includes biology. Tennessee issues a university preparation or a technical preparation diploma. For the technical preparation diploma electives are 2 and the other requirement is 4 which consists of 4 units in a particular technical area. For the university preparation track, there are 3 electives and the other requirement consists of 2 in foreign language and 1 in fine arts.	1994

State	Citation	Lang Arts	Soc Stud	Math	Sci	P E	Elect	Other	**Total**	Must pass exams or proficiencies	Comments	Last Known Revision
TX	Tex. Educ. Code Ann. 28.002, 39.023 through .027; 19 Tex. Admin. Code § 74.11 to .13	4	2.5	3	2	2	5.5	3	22	Yes	Students must pass the secondary exit level assessment instruments in English and math or pass the end of course instruments in algebra I and English II and either biology I or U.S. history. Social studies requirement consists of 1 in world history or world geography, 1 in U.S. history and .5 in U.S. government. Math requirement must include algebra I. Science requirement must include 1 from biology I, chemistry I or physics I. Physical education requirement consists of 1.5 in PE and .5 in health. The other requirement consists of 1 in world history/geography studies or an approved science course, .5 in economics, .5 in speech and 1 in technology applications.	1997
UT	Utah Code Ann. § 53A-1-601; Utah Admin. Code R277-700-1 through 12	3	3	2	2	2	9.5	2.5	24	No	Assessment of student mastery of required core subjects occurs at the completion of 8th, 10th and 12th grade. Implementation is the responsibility of local districts. The state does not require passage to graduate. Required elective areas are divided into college entry or applied technology clusters. The other requirement consists of 1.5 in arts and 1 in applied technology education.	1997
VT	Vt. Stat. Ann. tit. 16 § 179; Vt. Code R. 22-000-003-2150, 2160 and 2170	4	3	2	2	1.5	*	2	14.5	No	Statewide academic examinations are administered in math, science, English and social studies in order to qualify for a "governor's diploma." Social studies requirement includes 1 U.S. history and 1 world history. Science requirement consists of 1 physical and 1 natural science. Other requirement includes 1 unit in arts and the selection of 1 additional unit in science or math. The state requires a total of 5 units combined in science and math.	1997
VA	Va. Code Ann. § 22.1-253.13:4; Va. Admin. Code, tit. 8, § 20-131-50 and 110	4	3	3	3	2	6	1	22	Yes	Students must pass all components of the literacy passport test in order to graduate. End of course standards of learning tests for certain courses are also required. Virginia also offers an advanced studies diploma requiring a total of 24 units. Social studies, science, math and other categories all move to 4 units for the advanced studies diploma. Electives are reduced to 2 and the other requirement category is increased to 4 units. For a standard diploma, the other requirement consists of fine or practical arts. For the advanced studies diploma, the other requirement consists of 3 units in foreign language and 1 in fine or practical arts. The science requirement for both diplomas is in laboratory courses.	1998

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State	Citation	Lang Arts	Soc Stud	Math	Sci	P.E.	Elect	Other	Total	Must pass exams or proficiencies	Comments	Last Known Revision
WA	Wash. Rev. Code § 28A.230.090 and 28A.630.885; Wash. Admin. Code § 180-51-055, 060 and 070	3	2.5	2	2	2	5.5	2	19	No (Yes, as of 2000/-2001)	Assessment tests are given to 11th graders to assess strengths and weaknesses. Beginning with the 2000-2001 school year, passing assessment examinations result in issuance of a certificate of mastery which is required for graduation. Social studies requirement consists of 1 U.S. history and government, .5 Washington state history and government and 1 world history. Science requires 1 laboratory course. Other requirement consists of 1 in occupational education and 1 fine/visual or performing arts.	1998
WV	State Board of Education policy no. 2444.01 and 2510	4	3	2	2	2	7	1	21	No	Students in grades 9-11 take the Stanford Achievement Test to assess basic skills. Physical education requirement consists of 1 in PE and 1 in health. The other requirement is 1 unit in foreign language, performing arts or applied arts. For the freshman class entering in fall of 1999, total units increase to 24. Math (to include algebra and 1 higher math) is increased to 3. Science (to include coordinated and thematic science and 1 higher science) is increased to 3. Electives are reduced to 4. The other requirement will increase to 5 and will consist of 4 units in career majors and 1 unit in visual arts, music, dance or theater. Students must also graduate with "work base learning" requirements which are determined by local boards.	
WI	Wis. Stat. Ann. § 118.33	4	3	2	2	2	8.5*	0	21.5	No	Language arts requirement must include writing composition. Physical education requirement consists of 1.5 in PE and .5 in health. Health can be completed in 7-12 grade. * State encourages school boards to require 8.5 elective units selected from combinations of vocational education, foreign languages, fine arts and other courses.	1995
WY	Wyo. Stat. Ann. § 21-2-304 and 21-9-101	4	3	3	3	0	*	0	13*	No	Legislation in 1997 requires the state board of education to establish, through testing or other means, a requirement for each student to demonstrate mastery of the common core of knowledge and skills in order to earn a high school diploma. The means and process to establish this requirement have not been implemented. Social studies requirement includes history and American government. *Electives are determined by the local school board. 13 units are required plus the elective units as determined by the school board in order to obtain the total units.	1997

EDUCATION COMMISSION OF THE STATES ECS

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State Comparisons/Statistics

Expenditures, Revenue, Salaries, Teacher/Pupil Ratios

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NOTE: Individual data sources listed at end of table

State	Expenditures per pupil 1996-97 $ (Rank)	Revenues per pupil 1996-97 $ (Rank)	Estimated % of Revenue from various Governments (Rank)			Estimated Average Teacher Salary 96-97 $ (Rank)	Estimated Average Teacher Salary 96-97 Adjusted COL $ (Rank)	Pupils in Average Daily Attendance per Teacher Number (Rank)
			Local	State	Federal			
AL	5,478 (36)	5,462 (45)	24.9 (48)	64.8 (8)	10.2 (6)	32,549 (38)	36,320 (26)	15.8 (18)
AK	10,193 (1)	10,272 (3)	23.9 (50)	63.6 (11)	12.6 (4)	50,647 (1)	39,312 (14)	13.9 (37)
AZ	4,387 (50)	5,603 (42)	49.6 (19)	41.8 (34)	8.6 (11)	33,350 (32)	33,424 (41)	18.2 (4)
AR	4,498 (48)	5,355 (47)	25.7 (43)	65.9 (6)	8.3 (15)	30,319 (45)	35,284 (34)	15.6 (19)
CA	5,327 (41)	6,247 (38)	31.7 (36)	59.9 (15)	8.4 (12)	43,474 (9)	37,269 (22)	22.8 (1)
CO	5,550 (34)	6,440 (34)	50.3 (18)	44.1 (31)	5.6 (35)	36,271 (22)	35,485 (32)	17.2 (9)
CT	8,855 (4)	9,686 (4)	57.0 (10)	38.6 (42)	4.4 (45)	50,426 (2)	43,067 (4)	13.4 (44)
DE	7,750 (7)	8,804 (6)	25.6 (44)	67.3 (4)	7.1 (21)	41,436 (12)	40,773 (9)	15.2 (23)
DC	8,167 (6)	7,067 (22)	85.8 (2)	N/A	14.2 (1)	45,012 (7)	34,774 (35)	12.0 (51)
FL	6,058 (26)	6,921 (25)	44.4 (24)	48.6 (27)	7.0 (24)	33,889 (29)	36,156 (28)	16.4 (10)
GA	6,030 (29)	6,632 (30)	41.0 (30)	52.1 (24)	6.9 (25)	35,596 (27)	38,441 (18)	14.9 (28)
HI	6,211 (23)	7,589 (14)	1.9 (51)	90.0 (1)	8.1 (16)	35,842 (24)	29,311 (51)	16.0 (16)
ID	4,794 (46)	5,388 (46)	29.3 (38)	63.8 (10)	6.8 (26)	31,818 (39)	33,186 (42)	17.6 (7)
IL	6,048 (27)	7,347 (17)	65.5 (4)	27.0 (49)	7.5 (20)	42,125 (11)	42,314 (6)	15.0 (26)
IN	6,424 (20)	7,608 (13)	42.4 (26)	52.6 (23)	5.0 (42)	38,876 (16)	42,040 (7)	15.9 (17)
IA	6,063 (25)	6,566 (31)	41.5 (27)	53.6 (21)	5.0 (42)	33,272 (33)	36,266 (27)	14.5 (31)
KS	6,132 (24)	7,182 (19)	36.9 (34)	57.7 (16)	5.5 (38)	35,802 (26)	35,858 (31)	13.6 (40)

State	Expenditures per pupil 1996-97 $ (Rank)	Revenues per pupil 1996-97 $ (Rank)	Estimated % of Revenue from various Governments (Rank)			Estimated Average Teacher Salary 96-97 $ (Rank)	Estimated Average Teacher Salary 96-97 Adjusted COL $ (Rank)	Pupils in Average Daily Attendance per Teacher Number (Rank)
			Local	State	Federal			
KY	5,959 (31)	6,483 (33)	25.5 (46)	66.5 (5)	8.0 (17)	33,797 (30)	38,099 (20)	14.8 (29)
LA	4,876 (44)	5,530 (44)	36.8 (35)	50.5 (26)	12.7 (3)	28,347 (48)	31,246 (47)	15.2 (23)
ME	6,523 (18)	6,795 (27)	46.4 (21)	46.8 (30)	6.8 (26)	33,676 (31)	34,615 (36)	13.5 (42)
MD	7,052 (12)	7,609 (12)	54.4 (14)	40.0 (38)	5.6 (35)	41,148 (13)	38,739 (17)	16.1 (13)
MA	7,628 (8)	8,292 (10)	58.7 (6)	36.0 (45)	5.4 (39)	43,806 (8)	38,788 (16)	14.0 (36)
MI	7,318 (11)	8,363 (9)	25.6 (44)	67.8 (3)	6.6 (28)	48,238 (4)	50,437 (1)	18.1 (5)
MN	6,529 (17)	7,586 (15)	41.1 (28)	54.9 (19)	4.0 (49)	38,281 (18)	39,598 (13)	16.1 (13)
MS	4,547 (47)	5,073 (50)	28.8 (40)	57.7 (16)	13.5 (2)	27,720 (49)	31,413 (45)	16.2 (12)
MO	5,370 (39)	6,683 (29)	54.6 (13)	39.1 (40)	6.2 (31)	33,143 (35)	35,292 (33)	13.9 (37)
MT	5,973 (30)	6,771 (28)	43.5 (25)	46.9 (29)	9.6 (9)	29,958 (46)	31,365 (46)	14.5 (31)
NE	5,613 (33)	5,903 (39)	58.3 (7)	37.6 (43)	4.1 (48)	31,768 (40)	34,494 (37)	13.6 (40)
NV	5,539 (35)	6,433 (35)	62.1 (5)	33.5 (46)	4.3 (47)	37,340 (20)	39,109 (15)	17.3 (8)
NH	6,557 (16)	7,224 (18)	90.3 (1)	6.6 (50)	3.0 (51)	36,029 (23)	34,056 (40)	14.2 (34)
NJ	10,133 (2)	11,027 (1)	57.0 (10)	39.3 (39)	3.7 (50)	49,349 (3)	43,025 (5)	12.9 (47)
NM	5,474 (37)	6,796 (26)	24.7 (49)	65.6 (7)	9.7 (8)	29,685 (47)	30,818 (48)	15.3 (22)
NY	9,628 (3)	10,580 (2)	55.0 (12)	39.1 (40)	5.8 (34)	48,000 (5)	43,736 (3)	12.9 (47)
NC	5,381 (38)	5,883 (41)	28.6 (41)	64.2 (9)	7.1 (21)	31,286 (43)	34,066 (39)	15.1 (25)
ND	4,844 (45)	5,602 (43)	45.8 (22)	42.4 (33)	11.8 (5)	27,711 (50)	29,617 (50)	14.5 (31)
OH	5,909 (32)	6,930 (24)	52.8 (17)	41.3 (36)	5.9 (33)	38,831 (17)	40,689 (10)	16.3 (11)
OK	4,486 (49)	5,189 (48)	28.5 (42)	62.5 (14)	8.9 (10)	30,369 (44)	34,289 (38)	14.7 (30)
OR	6,602 (15)	6,931 (23)	37.4 (33)	55.4 (18)	7.1 (21)	40,960 (14)	41,334 (8)	17.8 (6)
PA	7,561 (9)	8,887 (5)	53.0 (16)	41.4 (35)	5.6 (35)	47,147 (6)	47,136 (2)	15.6 (19)
RI	8,392 (5)	8,595 (7)	54.3 (15)	40.7 (37)	5.1 (41)	43,019 (10)	40,002 (12)	12.2 (49)
SC	5,357 (40)	6,383 (36)	39.4 (32)	52.7 (22)	7.9 (18)	32,830 (37)	35,954 (30)	15.5 (21)
SD	4,990 (43)	5,898 (40)	58.2 (8)	32.0 (47)	9.8 (7)	26,764 (51)	30,125 (49)	13.2 (46)
TN	5,286 (42)	5,132 (49)	40.8 (31)	50.8 (25)	8.4 (12)	34,222 (28)	38,100 (19)	16.1 (13)
TX	6,041 (28)	6,525 (32)	49.4 (20)	42.9 (32)	7.8 (19)	33,038 (36)	36,065 (29)	14.2 (34)

State	Expenditures per pupil 1996-97 $ (Rank)	Revenues per pupil 1996-97 $ (Rank)	Estimated % of Revenue from various Governments (Rank)			Estimated Average Teacher Salary 96-97 $ (Rank)	Estimated Average Teacher Salary 96-97 Adjusted COL $ (Rank)	Pupils in Average Daily Attendance per Teacher Number (Rank)
			Local	State	Federal			
UT	4,086 (51)	4,779 (51)	30.9 (37)	62.8 (12)	6.2 (31)	31,750 (41)	32,483 (43)	21.7 (2)
VT	7,561 (9)	8,490 (8)	66.1 (3)	28.9 (48)	5.0 (42)	37,200 (21)	36,816 (24)	12.2 (49)
VA	6,370 (21)	6,293 (37)	57.8 (9)	36.8 (44)	5.4 (39)	35,837 (25)	37,172 (23)	13.4 (44)
WA	6,223 (22)	7,110 (21)	25.1 (47)	68.7 (2)	6.3 (30)	37,860 (19)	36,558 (25)	19.0 (3)
WV	6,902 (14)	7,388 (16)	28.9 (39)	62.8 (12)	8.4 (12)	33,257 (34)	37,525 (21)	13.5 (42)
WI	6,999 (13)	8,157 (11)	41.1 (28)	54.5 (20)	4.4 (45)	39,057 (15)	40,147 (11)	15.0 (26)
WY	6,499 (19)	7,136 (20)	45.4 (23)	48.1 (28)	6.5 (29)	31,721 (42)	32,316 (44)	13.7 (39)
U.S.	$ 6,335	$ 7,141	44.5%	48.7%	6.8 %	$ 38,611	$ 38,436	15.8

Sources: For current expenditures for public and elementary schools per pupil in average daily attendance 1996-97: National Education Association, Ranking of the States - 1997, Table H-16.

For total public school revenue per pupil in average daily attendance 1996-97: National Education Association, Ranking of the States - 1997, Table F-4.

For estimated percent of revenue for public elementary and secondary schools from local, state and federal government, 1996-97: National Education Association, Ranking of the States - 1997, Local: Table F-8, State: Table F-10 and Federal: Table F-12.

For estimated average salaries of public school teachers, 1996-97: National Education Association, Ranking of the States - 1997, Table C-12.

For estimated average teacher salary adjusted by cost of living index, 1996-97: American Federation of Teacher's Research Department - Survey & Analysis of Salary Trends - 1997, Table I-7

For pupils in average daily attendance per teacher in public elementary and secondary schools, 1996-97: National Education Association, Ranking of the States - 1997, Table C-7

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Alaska	http://www.state.ak.us/local/akpages/LEGISLATURE/home.htm
Arizona	http://www.azleg.state.az.us/
Arkansas	http://www.arkleg.state.ar.us/
California	http://www.leginfo.ca.gov/faq.html http://library.ca.gov/gov/official.html#legislature
Colorado	http://www.state.co.us/gov_dir/stateleg.html
Connecticut	http://www.state.ct.us/phone/senate.htm http://www.state.ct.us/phone/house.htm
Delaware	http://www.state.de.us/research/assembly.htm
Florida	http://www.leg.state.fl.us/
Georgia	http://www.state.ga.us/legis/
Hawaii	http://www.state.hi.us/icsd/leg/leg.html http://www.hawaii.gov/lrb/desk.htm
Idaho	http://www.state.id.us/legislat/legislat.html
Illinois	http://www.state.il.us/legis/default.htm
Indiana	http://www.state.in.us/legislative/
Iowa	http://www.legis.ia.us/
Kansas	http://www.ink.org/public/legislative
Kentucky	http://www.lrc.state.ky.us/home.htm
Louisiana	http://www.state.la.us/state/legis.htm
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Massachusetts	http://www.state.ma.us/legis/legis.htm
Michigan	http://www.migov.state.mi.us/legislature.html
Minnesota	http://www.leg.state.mn.us/
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Missouri	http://www.moga.state.mo.us/
Montana	http://www.mtgov/leg/branch/legis.htm

State	Address
Nebraska	http://www.unicam1.lcs.state.ne.us/
Nevada	http://www.leg.state.nv.us/
New Hampshire	http://www.state.nh.us/gencourt/gencourt.htm
New Jersey	http://www.njleg.state.nj.us/
New Mexico	http://www.technet.nm.org/legislature/
New York	http://assembly.state.ny.us/
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North Dakota	http://www.state.nd.us/lr/
Ohio	http://www.ohio.gov/ohio/legislat.htm
Oklahoma	http://www.lsb.state.ok.us/
Oregon	http://www.leg.state.or.us/
Pennsylvania	http://www.pasen.gov/
Rhode Island	http://www.rilin.state.ri.us/
South Carolina	http://www.leginfo.state.sc.us/
South Dakota	http://www.state.sd.us/state/legis/lrc/lrc.htm
Tennessee	http://www.legislature.state.tn.us/
Texas	http://www.capitol.state.tx.us/
Utah	http://www.le.state.ut.us/
Vermont	http://www.leg.state.vt.us
Virginia	http://www.legis.state.va.us
Washington	http://www.wa.gov/state.htm
West Virginia	http://www.wvlc.wvnet.edu/legisinfo/legishp.html
Wisconsin	http://www.legis.state.wi.us
Wyoming	http://legisweb.state.wy.us/

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TENURE: K-12 Trends and Possibilities

Tenure: What it is

Protection against unjust dismissal. A non-probationary teacher is to remain employed unless given notice of non-renewal or dismissal, a reason for doing so, and due process if he/she wants to contest the action.

- Notice
- Cause
- Due Process

There are two types of tenure:

Contract type (Continuing Contracts)
A public employee who has reasonable expectation of continued employment has been deemed to hold a property interest in that employment.

- U.S. Constitution art. I, sec. 10, cl.1: Contract clause forbids states to impair contracts.

Legislative type
Policy statement of the legislature that may be amended or repealed by the state

- Legislative action cannot change constitutional or contractual rights, but it can change statutory rights, and tenure rights are statutory rights.

Tenure: What it's not

"A tenure contract provides a certain amount of job security, but it does not guarantee permanent employment, nor does it convey the right to teach in a particular school, grade, or subject area."

Martha McCarthy, Public School Law, 1992

Options for Change
Partial or total elimination

States that have eliminated "tenure" from statutes:

- Colorado
- Oklahoma
- New Mexico

A Complication

Even when the word "tenure" is eliminated, teachers still need notice, reason for dismissal and due process (hearing, appeal, etc.)

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Options for Change
Tighten Due Process Timelines

Some states have shortened the amount of time allotted between notice of remediation status; length of remediation period; notice of nonrenewal and request for a hearing; between the request and the actual hearing; between the hearing and the request to appeal; setting the date for appeal, and the appeal itself (if available).

- Colorado
- Massachusetts
- Michigan
- Oklahoma
- Texas
- Washington (if rated unsatisfactory, 60 day probationary period)

Changes might look like this:

1. Notice given by April 15
2. 15 days from receipt of notice to submit request for hearing
3. 15 days to hold hearing
4. 15 days to request appeal

Options for Change
Revise Hearing Parameters

Considerations

- Is hearing upon request or automatic?
- By whom is the teacher heard? Board of Education? Superintendent? Impartial Hearing Officer? Special Committee?
- Appeals process: No appeal? One? Unlimited?
- If appeal, what forum -- through courts? Appeals board or commission? State Board?
- Timeline -- how long between steps?

Options for Change
Modify Time of Probation: A Common Revision

- Highest (5 years plus return for 6th year): MO
- Lowest (1-2 years): HI, IA, ME, MD, NV, SC, VT, WA
- Majority of states: 3 years
- Some states do not specify probationary periods: MS, ND, UT
- Wisconsin allows probationary period to be determined in collective bargaining.

Options for Change
Revise Causes (Reasons) for Dismissal

Colorado

- Added "unsatisfactory performance"

Oklahoma

- Law specifies "instructional effectiveness" and "unsatisfactory teaching performance"

Texas

- "for good cause as determined by the local school board, good cause being the failure of a teacher to meet the accepted standards of conduct for the profession as generally recognized and applied in similarly situated school districts throughout Texas"

Options for Change
Strengthen Evaluation

State Actions:

- Some don't address at all
- Increasing discussion of state-mandated performance assessment but little action. Arkansas, Georgia, Texas had state tests for existing certified education personnel in the 80s. All have been discontinued.
- Some cover administrative regulations only (amount of training, who can evaluate, etc.)

Models for Change
Georgia's Annual Contract

- To not renew a nonprobationary teacher, teacher must be given written notice by certified mail, with a conspicuous statement:

  "You have the right to certain procedural safeguards before you can be demoted or dismissed. These safeguards include the right to notice . . . and the right to a hearing. If you desire these rights you must send to the school superintendent by certified mail a statement that you wish to have a hearing; and such . . . must be mailed . . . within 20 days."

- Can only be nonrenewed for cause, and causes must be from those listed in statute.

Models for Change
Utah

- Local board may enter into a written employment contract for term not to exceed 5 years.
- Nothing in the terms of the contract shall restrict the power of a board to terminate the contract for cause at any time. (Utah Code Ann., § 53A-3-411)

Models for Change
Idaho's Renewable Contract

- Non-probationary employees:
  1. evaluated yearly
  2. contract automatically renews when person signs acceptance
  3. must be given period of probation if contract will not be offered for reasons of unsatisfactory performance

  Probationary employees are on annual contracts -- this does not apply to them

Models for Change
Texas's Term Employment Contract

- Once probationary period is completed, contract may not exceed five years.
- Teachers must be evaluated at least once a year
- Board's policies must include reasons for nonrenewing at end of school year
- Does not apply to continuing contracts or to probationary employees

Models for Change
Improve Evaluation

Washington

- Requires observation of at least 60 minutes per school year
- Requires each board of directors to establish evaluation criteria. These must at least include the following categories:
  1. Instructional skill
  2. Classroom management, professional preparation and scholarship
  3. Effort toward improvement if needed
  4. Interest in pupils and knowledge of subject

Models for Change
Accountability System Changes

Tennessee's Accountability System

Sanders Model

- A university-developed, statistically-valid set of factors that allow for the amount of knowledge with which a student enters class
- Measures increases in student achievement
- Used in teacher evaluation
- Also used to hold students, schools and systems accountable

Viewpoints to Address
What the Public Needs

Quality in the Classroom

Regardless of which formal evaluation process exists within the school system, public perceptions of teacher quality are made according to:

1. Preference for the teaching styles that best suits a particular child. Whenever possible, schools should and frequently do make accommodations for parent preferences of teaching style. However, the overall quality of teaching, not just the style of teaching, should be the basis on which a teacher is removed/retained.
2. Perception of overall quality. Public sees few accommodations being made for poor quality.

Viewpoints to Address
What School Boards Need

- Models of well-defined criteria for evaluators and evaluation
- Clear guidelines, reasonable timelines
- Reasonable timeline if state law requires remediation period
- Adequate list of causes

Viewpoints to Address
What Teachers Need

- Fairness in evaluation
- Safety nets in case of poor evaluator or a prejudiced evaluator, i.e.:
  - -- Peer review or committee review options
  - -- Appeals process before evaluation becomes permanent record
- Greater reciprocity in licensing provisions (state level)
- Portable pension systems (a growing trend, but not all states)
- Full or greater credit for experience in other districts (on salary schedules)

Viewpoints to Address
What Administrators Need

- More time to dedicate to evaluation or more personnel to help with evaluation
- Ongoing training
- Clear guidelines

Viewpoints to Address
What Legislators Need

- Evidence that existing laws are insufficient
- Accurate data on teacher dismissals/nonrenewals that reflects nonrenewal of nonprobationary teachers
- Help with defining common ground among groups (parents, school boards, administrators, teachers)

Options to Consider
Intervention Model

- Principal or union representative expresses concern about an individual
- Teacher notified, assigned a mentor (experienced teacher who's applied, been designated and appointed)
- Mentor works intensively with teacher (for set period such as six months)
- At end of period, mentor and principal make recommendation to terminate or rehire

Intervention Model
Policy Questions

- Who funds and how?
- Whose policy? State? Collective Bargaining? District?

Research
Findings to Consider

"Why districts are unable to dismiss teachers who should be terminated for legitimate reasons"

From American Federation of Teachers (AFT)

1996 Survey on Teacher Dismissal

1. Administrators do not understand or follow procedures (87.3%)
2. Administrators do not work hard enough to build a case (79.4%)
3. Not a problem; districts can and do dismiss teachers for legitimate reasons (62.7%)
4. Teacher evaluation is inadequate (61.8%)
5. Administrators assume that tenure laws make dismissal impossible (56.9%)
6. Teacher dismissal proceedings are too costly for school districts (15.7%)
7. Other (8.8%)
8. School administrators are not supported by central administrators (6.9%)
9. Not a problem; generally there are no incompetent teachers (2%)
10. Ironclad state tenure laws and union contracts prevent termination (2%)

Related Issues
Findings to Consider regarding Collective Bargaining

What various groups say:

Principals. . ."bargaining obstructs reform"

Union reps. . . "bargaining facilitates reform"

Teachers. . ."neutral on nearly every issue, raising questions about the role union representatives take on behalf of their constituents."

"Collective Bargaining," DeMitchell, Barton **Educational Policy**, Vol. 10, No.3, Sept. 1996

Options to Consider
A New Vision for Unions
(district or bargaining unit level)

"Creating the Modern Hiring Hall"*
"A sophisticated human resources organization offering placement and counseling services and access to training and development"

Functions of a Modern Hiring Hall*
(district or bargaining unit level)

1. Registration (receive and qualify applications)
2. Preparation and recommendation (assist with employment portfolios, career counseling, etc.)
3. Electronic database (allowing schools to screen applicants from database)
4. Employment broker (particularly for employees with highly specialized skills, but also a pool of any employees not currently employed)

*Recommendations from PACE (Policy Analysis for California Education): **Organizing the Other Half of Teaching** -- Sept. 1996

Tenure
Policy Questions

1. What was the legislation INTENDED to do?
2. What legal questions do changes raise?
3. How much of the change is symbolic? How much is meaningful?
4. What practical effects have changes had in schools?
5. Do changes make it easier to dismiss poor teachers?
6. What other issues must be considered?

Kathy Christie, ECS Information Clearinghouse

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PART I: TEACHER TENURE/CONTINUING CONTRACT PROVISIONS

Summary Note: Over the past several years, states have addressed the issue of teacher dismissal in various ways. Some have eliminated the term tenure (i.e., CO, NM, SD, FL); some have repealed tenure and tightened the due process timelines (i.e., OK); others have retained tenure provisions but streamlined the due process provisions (i.e., MI, CT); and, one state (WI) has stipulated the collective bargaining process as the means of determining tenure policies at the local school district level.

Tenure: The first tenure law was enacted about 75 years ago in New Jersey. At that time job protection was seen as necessary because of prevalent nepotism, political favoritism and arbitrary dismissals. Teacher tenure is, therefore, not a job guarantee, but rather a job security device protecting against termination of employment in cases where there are not grounds for termination or where the teacher has no fair opportunity to present his defense (Shannon, 1972). To gain tenure, teachers must generally complete a specified period of probationary employment (usually three years). The tenured teacher is assured notice, a statement of causes or reasons for termination, and a hearing before the school board, arbitrator, or specified person/group. The teacher can usually appeal the decision of the board or arbitrator. Tenure can be provided by law through a state statute or earned through a period of continuous contractual employment.

In general, schools have great latitude in deciding whether to grant initial tenure, as long as decisions are not discriminatory. Tenure decisions also must not be based on teachers' exercise of academic freedom. Performance evaluation, however, is not incompatible with the tenure system, although tenure laws have been weak in this respect and there is a widespread perception that tenured teachers are not subject to sufficiently critical evaluation. Some tenure statutes do not address performance evaluation at all, while others mandate evaluation criteria in substantial detail and make evaluation an integral part of the tenure system. When a teacher's performance is judged unsatisfactory, the teacher is given an opportunity to demonstrate improvement. Because tenure is a product of legislation, there is no legal obstacle preventing states from strengthening the evaluation component of tenure.

Tenure does not require continuing the employment of an incompetent teacher; all tenure laws provide for dismissal of incompetent or inefficient teachers.
While nineteen states continue to use the term "tenure" in legislation, most states have adopted new terms for procedural protection, such as continuing contract status.

State	Required for Nonprobationary Status	Descriptors (terms used or code citations)	Hearing	Appeal Forum	Other	Last Known Revision
AL	3 + R*	Tenure Continuing service status Ala. Code § 16-24-1 to 16-24-13	Board of education at teacher's request	State tenure commission (only further action is through the courts)	Once continuing service is obtained, teacher is entitled to protection of the Alabama teacher tenure law.	1981

State	Required for Nonprobationary Status	Descriptors (terms used or code citations)	Hearing	Appeal Forum	Other	Last Known Revision
AK	3 + R	Employment and Tenure Teachers Tenure Act Alaska Stat. § 14.20.095 to 14.20.215	Board of education at teacher's request	Judicial review based on the administrative record in superior court	1996 changes allow for teachers to be laid off for enrollment decreases or financial emergencies.	1996
AZ	3 + R	Certified Teacher employed by the district for the major portion of three years Ariz. Rev. Stat. § 15-536 to 15-551	Board of education at teacher's request	Superior court in the county where the teacher is employed	The governing board decides whether to hold the hearing or designate a hearing officer to hold the hearing, hear the evidence, prepare a record and issue a recommendation to the governing board for action. Legislative change in 1998 reduces time teachers are allowed to correct an "inadequacy in classroom performance" from a semester to not less than 85 days.	1998
AR	3 + R	Teacher Fair Dismissal Act Probationary Teacher Ark. Code Ann. § 6-17-1501 to 6-17-1510	Board of education at teacher's request	Circuit court of the county where district is located	Statutes state this is not a teacher tenure law "in that it does not confer lifetime appointment nor prevent discharge of teachers for any cause which is not arbitrary, capricious, or discriminatory."	1989
CA	2 + R for employees whose probationary period commenced during the 1983-84 fiscal year or any fiscal year thereafter	Tenure Continuing Contract Permanent Status Cal. Educ. Code § 44929.20 to 44988	Commission of professional competence at teacher's request	Superior court	Variations for districts with under 250 pupils in average daily attendance (ADA) and over 60,000 pupils in ADA. The commission of professional competence consists of one member selected by employee, one member selected by the governing board (both of which must be certified teachers with five years experience), and an administrative law judge.	1996
CO	3 + R	Continuing Contract Probationary Teacher Colo. Rev. Stat. § 22-63-201 to 22-63-206 and 22-63-301 to 22-63-302	Impartial hearing officer at teacher's request. Hearing officer makes recommendation to district board which accepts or rejects findings.	Court of appeals	Eliminated the term "tenure" and added unsatisfactory performance to list of reasons for termination/dismissal. Impartial hearing officer is selected by the teacher and district chief administrative officer. Legislative changes in 1998 reduced the number of allowed hearing days from 10 to 6 and provides for absorption of costs by the losing party in the appeals process.	1998
CT	30 months for those employed prior to 07/01/96; 40 months for those hired on or after 07/01/96	Tenure Conn. Gen. Stat. § 10-151	Board of education or subcommittee of the board at teacher's request or impartial hearing officer or panel (Panel consists of 3 members: 1 chosen by superintendent, 1 by teacher and those two members choose a 3rd. If they can't agree, selection is done with assistance of American Arbitration Association. If no agreement, hearing held before board of education or subcommittee of the board.	Superior court	Distinct timelines (i.e., hearing within 15 days of request, notice of nonrenewal or termination must be followed within 7 days with a list of reasons, teacher has 20 days to request hearing, administrators who evaluate teachers must receive 15 hours of training every 5 years).	1995
DE	3 (2 years of which is in the employ of the terminating board)	Procedures for the Termination of Services of Professional Employees Del. Code Ann. tit 14, § 1401 to 1420	Board of education at teacher's request. The board may designate a hearing officer to conduct hearing.	Superior court for the county in which the teacher was employed	Reasons for the intended termination of services must be included in the written termination notice to a teacher with three years of service.	1994

State	Required for Nonprobationary Status	Descriptors (terms used or code citations)	Hearing	Appeal Forum	Other	Last Known Revision
FL	3 + R	Professional Service Contract Continuing Contract Probationary Service Fla. Stat. Ann. § 231.36	Professional Service Contract (PSC) teachers - May elect a hearing before the board of education or an administrative law Judge Continuing Contract (CC) teachers - board of education determines the forum for an administrative hearing	District court of appeal	Teachers employed before 7/1/84 are under continuing contract; teachers hired after 7/1/84 are under a professional service contract. Contract renews each year unless the superintendent charges the employee with unsatisfactory performance. Employee can request transfer for subsequent year of employment. During subsequent year, he/she is given assistance and in-service opportunities. He/she must be notified if deficiencies have been corrected by no later than 6 weeks before close of postschool conference period. If corrected, new contract issued. If not, superintendent follows procedures to not offer new contract.	1998
GA	3 + R	Annual Contract Continued Employment Ga. Code Ann. § 20-2-211, 20-2-940 through 20-2-947	The board of education at teacher's request. The board may designate tribunal to conduct the hearing.	State board of education	If a tribunal is selected to hear the case, it shall consist of not less than three nor more than five impartial persons with academic experience. Recommendations of the tribunal are submitted to the board, who renders the final decision.	1998
HI	2	Tenure Rights Probationary Period Collective Bargaining Haw. Rev. Stat. § 89-6 through 89-11, 302A-607 and 608	Board of education at teacher's request	Circuit court in the county where the petitioner resides	At or prior to the end of two years of probation, the department may extend the probationary period for additional periods not to exceed a total of five years. Fulltime intern teaching periods served in the state are credited toward the probationary period. Collective bargaining rules allow for the negotiation of procedures governing dismissal and discipline of teachers.	1996
ID	3	Renewable Contract Idaho Code § 33-513, 33-515	Required before the board of education	District court in the county where the district is located	Distinct timelines for due process. Teachers have right to automatic renewal of contract after third full year by giving written acceptance of renewal.	1988
IL	2 if hired prior to 01/01/98 4 if hired on or after 01/01/98	Contractual Continued Service Ill. Comp. Stat. Ann. 5/10-22.4 and 5/24-11 to 5/24-16	Disinterested hearing officer at teacher's request	Trial court performs judicial review	Requires notice of "remediable charges" and remediation period. Cities over 500,000 have a three year probationary period.	1998
IN	2 + R	Indefinite Contract Permanent Teacher Semi Permanent Teacher Ind. Code § 20-6 1-4-9 through 20-6 1-4-12	Governing body of school corporation at teacher's request (Collective bargaining, if applicable, which requires the binding arbitration of teacher dismissal issues is also allowed)	Court of competent jurisdiction	Two status levels exist for indefinite contracts: permanent teachers and semi permanent teachers. Reasons for termination of semi permanent teachers include, "the cancellation is in the best interest of the school corporation." All hearing and contract procedures are the same. Permanent teacher status is obtained after 5 years employment and contract for further service.	1994
IA	2	Probationary Period Iowa Code § 279.13 to 279.19	Board of education at teacher's request in private hearing	Adjudicator; District court of the county where the administrative office of the school district is located	Collective bargaining agreements supersede statutory provisions concerning execution of teacher contracts and automatic renewal of contracts. In appeal, adjudicator is agreed upon between teacher and board.	1992

State	Required for Nonprobationary Status	Descriptors (terms used or code citations)	Hearing	Appeal Forum	Other	Last Known Revision
KS	3 + R	Tenure Continuing Contract Kan. Stat. Ann. § 72-5445, 72-5411, 72-5437 through 72-5447	Hearing officer at teacher's request	District Court	Hearing officers are selected by teacher and district board from list provided by the commissioner of higher education. Local board of education may waive years of employment requirement for teachers employed in the district.	1995
KY	4 + R	Tenure Continuing Service Contract Ky. Rev. Stat. Ann. § 161.720 to 161.810	Chief state school officer appoints tribunal at teacher's request consisting of one teacher, one administrator and one lay person, not residents of the district	Circuit court in the county where the school district is located	Continuing service contract: "a contract for the employment of a teacher which shall remain in full force and effect until the teacher resigns or retires, or until it is terminated or suspended as provided in KRS 161.790 and 161.800."	1998
LA	3	Tenure Probationary Teacher La. Rev. Stat. Ann. § 17:441-443	Required before the board of education	Court of competent jurisdiction	Teacher must file appeal to the court of competent jurisdiction within one year of the boards findings.	1980
ME	2	Continuing Contract Status Me. Rev. Stat. Ann. tit. 20A § 13201 to 13202	Board of education at teacher's request	Superior court	Initial contract after the probationary period is for two years. Contracts are automatically extended for one year in subsequent years. Collective bargaining rules allow for negotiation of just cause for dismissal or nonrenewal of teachers who have served beyond probation.	1989
MD	2 or less (state board established)	Tenure Md. Code Ann., Educ. § 6-201/2	Board of education at teacher's request	State board	In seven counties and Baltimore the county board may have the hearing first heard by a hearing examiner.	1997
MA	3	Tenure Professional Teacher Status Mass. Gen. Laws ch. 71 § 41-42	Teacher petitions commissioner, who in turn requests arbitration by the American Arbitration Association (AAA)	Decisions of arbitrator are subject to judicial review	The district superintendent, with the principal's recommendation, can award professional teacher status to any teacher who has served not less than one year in the principal's building.	1996
MI	4 if hired after 06/11/93; 2 if hired on or before 06/11/93	Tenure Teacher Tenure Act Continuing contract Mich. Stat. Ann. § 15.1971 to 15.2056	Controlling board of the school district	State tenure commission; Court of appeals	A teacher on continuing tenure that receives a less than satisfactory evaluation is provided with an individualized development plan from the school district. The state tenure commission consists of two teachers, one member of a school board, one member (not teacher or board member) and one superintendent.	1993
MN	3	Continuing Contract Probationary Period Minn. Stat. § 125.12	Board of education or arbitrator at teacher's request	Judicial review of board of education decision after hearing	A district-wide agreed upon process supersedes continuing contract. For immediate discharge, reasonable notice of remediable charges required.	1995
MS	Not specified	Renewal contract Miss. Code Ann. § 37-9-25 and 37-9-59	Board of education at teacher's request	Chancery court where school board is located; State supreme court	School board has authority to enter into contracts with teachers, not to exceed three years, based on the number of years they have been employed (e.g. two years employed, up to two year contract).	1997

State	Required for Nonprobationary Status	Descriptors (terms used or code citations)	Hearing	Appeal Forum	Other	Last Known Revision
MO	5 + R	Teacher Tenure Act Permanent Teacher Mo Rev Stat § 168.102 to 130	Board of education at teacher's request	Circuit court of county where district is located	Specific provisions which must be included in an indefinite contract are provided by statute.	1993
MT	3 + R	Tenure Mont Code Ann § 20-4-203 to 20-4-207	Required before the board of trustees unless waived by teacher	County superintendent. District court of county where teacher was employed	If employment of tenured teacher is covered by a collective bargaining agreement, an appeal is sent to an arbitrator whose decision is final and binding.	1997
NE	3	Tenure Probationary certified employee Neb Rev Stat § 79-12,107 to 79-12,121.03	Board of education at teacher's request	Error proceedings in district court	Employee performance standards must reflect student achievement. Probationary teachers are observed 3 times annually by administrator, once by teacher and administrator. In a Class IV or V school district, a school board or certified employee may require that hearings be conducted by a hearing officer. School board makes decision based on hearing officer's findings.	1997
NV	2	Probationary employees Postprobationary employees Nev Rev Stat § 391.3111 to 391.3197	Hearing officer at teacher's request	District court	Contract negotiated by collective bargaining may supersede legislative provisions concerning dismissals. Hearing officers are Nevada attorneys whose decisions are final and binding on board and employee if agreed upon prior to hearing officer selection.	1995
NH	3	Renominated or reelected N H Rev Stat Ann § 189.13 to 189.14-d	Board of education at teacher's request	State board of education	Upon appeal to the state board of education, a hearing is required if requested by either party. Decisions by the state board are final and binding. State supreme court will hear appeals if board exceeds authority or acts illegally, unreasonably, arbitrarily or capriciously.	1995
NJ	3 + R	Tenure N J. Stat Ann § 18A:6-10 to 18A:6-29	Administrative law judge after review by state commissioners of education or person appointed by the commissioner	State board of education	If charge is inefficiency, board of education must give employee 90 day period to correct the inefficiency. Teachers may also receive tenured status after three consecutive calendar years or shorter period fixed by the employing board.	1998
NM	3	Employment contracts N M Stat Ann § 22-10-11 to 22-10-17.1	Board of education at teacher's request	Independent arbitrator	Arbitrator's decision binding on both parties. Arbitrator selected by board and employee or appointed by presiding judge. Contracts can be issued at school boards discretion for up to 3 years for teachers with over 3 years consecutive service. All employees are afforded a hearing if discharged prior to contract completion.	1994
NY	3	Tenure Education Law § 3014, 3020 to 3020-a	Hearing officer (arbitrator) at teacher's request	State supreme court	The teacher may elect to have disciplinary procedures conducted under statute or collective bargaining agreement. If charges against a teacher involves pedagogical incompetence, the teacher may elect to have a three person panel (consisting of the hearing officer, one member selected by the board and one member selected by the employee) conduct the hearing.	1994

State	Required for Nonprobationary Status	Descriptors (terms used or code citations)	Hearing	Appeal Forum	Other	Last Known Revision
NC	4	Career status N.C. Gen. Stat § 115C-325	Private hearing by case manager or board of education at teacher's request	Superior court	The district superintendent and the employee may jointly agree on a case manager to hear case. Otherwise, the case manager is selected by the superintendent of public instruction. Legislation in 1998 reduced employee dismissal procedure timelines and requires certified staff in low performing schools to take a general knowledge test upon the recommendation of the principal of the school or assistance team. Staff members that fail the test enter a remediation program. If a second failure occurs after completion of the remediation, dismissal procedures are initiated. If dismissal procedures are initiated the staff member has a right to a hearing before the board.	1998
ND	Not specified	Contracts N.D. Cent. Code § 15-29-08(10) and 15-36-15 to 15-36-17	Required before education standards and practices board	District court	No tenure provisions exist. Dismissals are handled by the school board or through revocation of teacher's certificate by the education standards and practices board.	1993
OH	3	Continuing Service Status Limited Contract Ohio Rev. Code Ann. § 3319.08, 09, 11, 111, 3319.16	Board of education at teacher's request	Court of common pleas of the county where the largest portion of territory of the district is located	Limited contracts may be issued by the board of education for not greater than five years. Under certain circumstances, a teacher eligible for continuing service status may be placed on extended limited contract. In addition to time of service, teachers must also hold a professional, permanent or life teacher's certificate to qualify for continuing service status.	1996
OK	3	Career Teacher Probationary Teacher Teacher Due Process Act 1990 Okla. Stat. Ann. 6-101.20 to 6-101.30	Required before the board of education	de novo trial-District court in county where school is located	School administrators who note poor performance or conduct in evaluations must admonish the teacher in writing and provide them with up to two months to improve the performance or conduct.	1992
OR	3 + R	Accountability for Schools for the 21st Century Law Contract Teacher Or. Rev. Stat. § 342.805 to 342.934	Hearing officer at teacher's request followed by fair dismissal appeals board.	Court of appeals on procedure; Appellate court; Supreme court	Contract teachers are employed by a school district under two-year contracts. Teachers may elect to pursue grievances through arbitration if agreed to by the district. Hearing officers or arbitrators are selected through lists retained by the employment relations board. State will reimburse boards for any appeal and dismissal costs. In forced layoffs, boards may use competency criteria rather than seniority.	1997
PA	2 if hired prior to 06/30/96 3 if hired on or after 06/30/96	Tenure Pa. Stat. Ann. tit. 24, § 11-1121 to 11-1133	Required before the board of education	Secretary of education	If an employee is to be dismissed for incompetency or unsatisfactory teaching performance, the employee must be rated under an approved rating system.	1996
RI	3	Tenure R.I. Gen. Laws § 16-13-1 to 16-13-8	Board of education at teacher's request	Department of elementary and secondary education; Superior court	A school committee may agree, in a collective bargaining agreement, to the arbitration of disputes arising out of the dismissal of a tenured teacher.	1997

State	Required for Nonprobationary Status	Descriptors (terms used or code citations)	Hearing	Appeal Forum	Other	Last Known Revision
SC	2	Teacher Employment and Dismissal Act Continuing Contract Level S.C. Code Ann. § 59-25-40 to 59-25-530 and 59-26-40	District board of trustees at teacher's request	Court of common pleas of any county in which the major portion of district lies	All teachers are initially contracted with a one year induction contract period. They then progress through either an annual contract level or provisional contract level. Teachers completing an annual level and evaluation process become eligible for continuing contract level.	1997
SD	3 + R	Nonrenewal of Contract S.D. Codified Laws § 13-43-6.1,6.2,6.3,6.4,6.5,6.6	Board of education at teacher's request	State circuit court	School boards may elect not to renew a contract, without further process or reason, for teachers without a 4th consecutive term of employment. Collective bargaining agreements cannot supersede right to terminate or limit the protection afforded to teacher. If terminated for reduction in force, only written notice is required.	1998
TN	3 + R	Tenure Tenn. Code Ann. § 49-5-503, 511, 512, 513	Board of education at teacher's request	Chancery court of the county where teacher is employed; Appellate court	Board may dismiss teachers as a result of decrease in enrollment or other good reason. Continuing contract law provides some protection to nontenure teachers. Legislation in 1998 allows nontenured teachers who are dismissed the right to a hearing before an impartial hearing officer with appeal of decisions to the board of education.	1998
TX	3	Probationary Contract Continuing Contract Term Contract Tex. Educ. Code § 21.102, 21.151 to 21.160, 21.201 to 21.213, 21.251 and 21.307	Hearing examiner at teacher's request, then board or board subcommittee renders decision on hearing examiners recommendations	Commissioner of education; District court in the county where the district's central administration is located	If the board of trustees determines it is unlikely that a teacher ending the probationary period will be offered continuing contract status, the teacher may be offered a probationary contract for a 4th year. Upon written notice of the proposed termination, discharge or nonrenewal, a continuing contract teacher may elect to return to probationary status. Term contracts, not to exceed five years, may also be used after probationary status.	1995
UT	Not specified	Utah Orderly School Termination Procedures Act Career Employee Utah Code Ann. § 53A-8-102 to 53A-8-107; 53A-3-411	Board of education at teacher's request or board may appoint a hearing examiner to conduct hearing and delegate its authority to hearing examiner to make a decision which is binding	Appropriate court of law	Career employee: "an employee of a school district who has obtained a reasonable expectation of continued employment based upon an agreement with the employee or the employee's association, district practice, or policy." A local board may enter into written employment contract for term not to exceed 5 years and nothing in the terms of the contract shall restrict the power of a board to terminate the contract for cause at any time.	1998
VT	2	Nonprobationary Teacher Probationary Teacher Vt. Stat. Ann. tit. 16, § 1752	Board of education at teacher's request	Superior court	All teachers have the right to a board hearing if contract is not renewed. Probationary teachers have no appeal to board's final decision. Probationary teacher must receive two written evaluations per year of probationary service or nonrenewal of their contracts must also be for just and sufficient cause (same as for nonprobationary teachers).	1997
VA	3	Continuing Contract Status Va. Code Ann. § 22.1-303, 22.1-307 to 22.1-314	Board of education or fact finding panel at teachers request. Board retains final decision authority over recommendations of fact finding panel and may hold second hearing	Circuit court	Fact finding panel consists of three members: one appointed by teacher, one selected by superintendent, and one impartial member selected by those two members. The impartial member serves as the hearing officer.	1996

State	Required for Nonprobationary Status	Descriptors (terms used or code citations)	Hearing	Appeal Forum	Other	Last Known Revision
WA	2	Continuing Contract Provisional Employee Wash. Rev. Code § 28A.405.200 to 28A.405.250; 28A.405.300 to 28A.405.380; 28A.405.470	Hearing officer at teacher's request	Superior court for the county in which the district is located. Appellate review	Mandatory termination if teacher's certification is subject to revocation upon guilty pleas or conviction of injury of child, sexual exploitation of child or promoting prostitution of child. The hearing officer is selected from a list of barred arbitrators by representatives of the district and the teacher. If there is no agreement on hearing officer, appointment is made by superior court judge. Legislation in 1997 added a 60 day probationary period for teachers evaluated as unsatisfactory in district evaluations. The probationary period does not affect the teacher's contract status, but failures to correct deficiencies during probation may be used as probable cause for nonrenewal at the end of the school year.	1997
WV	3	Continuing Contract Status W. Va. Code § 18A-2-6 to 18A-2-8; 18-29-1 to 18-29-11	Board of education at teacher's request	Hearing examiner hired by the education and state employees grievance board; Circuit court of the county where grievance occurred	The state grievance procedures allow for a hearing before a hearing examiner selected by the education and state employees grievance board (three member panel selected by the governor) if dismissed prior to contract expiration. A charge of unsatisfactory performance may not be made against a teacher except as a result of the employee performance evaluation process.	1998
WI	Determined through collective bargaining agreements	Nonrenewal notice and procedure Wis. Stat. § 118.22	Private conference with the board of education at teacher's request after notice of consideration of nonrenewal; may be modified through collective bargaining agreements	Determined through collective bargaining agreements	Tenure protection exists for teachers who obtained tenure in cities over 150,000 population (after three years of continuous service) and in counties over 500,000 population (after three years of continuous service and a contract renewal for 4th year) on or prior to December 21, 1995. Contract renewal for all other teachers is based on collective bargaining procedures.	1995
WY	3 + R	Continuing Contract Wyo. Stat. Ann. 21-7-102 through 114	Independent hearing officer at teacher's request. Board of education reviews finding and recommendations and renders decision.	District court in the judicial district where the school district is located.	Independent hearing officer selected by teacher and superintendent. If no agreement can be reached, hearing officer is appointed by district judge. Any board may designate a teacher as a continuing contract teacher at any time without regard to other provisions.	1993

* R = Teacher must return to begin the next school year or sign a contract committing to service in the next school year.
Unless otherwise noted, all years listed as required for nonprobationary status are academic years.

Part II follows on next page.

PART II: REASONS FOR TERMINATION/DISMISSAL

Alabama	1. Incompetency 2. Insubordination 3. Neglect of Duty 4. Immorality 5. Justifiable decrease in the number of teaching positions or other good and just cause, but cancellation may not be made for political or personal reasons
Alaska	1. Incompetency, which is defined as the inability or the unintentional or intentional failure to perform the teacher's customary teaching duties in a satisfactory manner 2. Immorality, which is defined as the commission of an act which, under the laws of the state, constitutes a crime involving moral turpitude 3. Substantial noncompliance with school laws of the state, the regulations or by-laws of the department, the bylaws of the district, or the written rules of the superintendent
Arizona	1. Immoral conduct 2. Unprofessional conduct 3. Conduct in violation of the rules, regulations or policies of the governing board 4. Inadequacy of classroom performance 5. Good and just cause 6. Insubordination
Arkansas	1. Any reasons not arbitrary, capricious or discriminatory
California	1. Immoral or unprofessional conduct 2. Criminal syndicalism 3. Dishonesty 4. Unsatisfactory performance 5. Evident unfitness for service 6. Physical or mental condition unfitting him/her to instruct or associate with children 7. Persistent violation of or refusal to obey school laws of the state or reasonable regulations prescribed for the government of the public schools by the state board of education or by the governing board of the school district employing him or her. 8. Conviction of a felony or any crime involving moral turpitude 9. Advocating or teaching communism with intent to indoctrinate 10. Knowing membership by the employee in the Communist Party (although this provision has not been challenged in court, it is probably unconstitutional and thus, unenforceable) 11. Alcoholism or drug abuse making the employee unfit to instruct or associate with students.
Colorado	1. Physical or mental disability 2. Incompetency 3. Neglect of duty 4. Immorality 5. Unsatisfactory performance 6. Insubordination 7. Conviction of a felony, the acceptance of a guilty plea, a plea of nolo-contendere or a deferred sentence for a felony 8. Other good and just cause
Connecticut	1. Inefficiency or incompetence 2. Insubordination against reasonable rules of the board of education 3. Moral misconduct 4. Disability, as shown by competent medical evidence 5. Elimination of the position to which the teacher was appointed or loss of a position to another teacher, if no other position exists to which such teacher may be appointed if qualified, provided such teacher, if qualified, shall be appointed to a position held by a teacher who has not attained tenure, and provided further that determination of the individual contract or contracts of employment to be terminated shall be made in accordance with either (A) a provision for a layoff procedure agreed upon by the board of education and the exclusive employees' representative organization or (B) in the absence of such agreement, a written policy of the board of education 6. Other due and sufficient cause

Delaware	1. Immorality 2. Misconduct in office 3. Incompetency 4. Disloyalty 5. Neglect of duty 6. Willful and persistent insubordination 7. A reduction in the number of teachers required as a result of decreased enrollment or a decrease in educational services (allowed at school year end)
Florida	1. Just cause (includes, but not limited to, misconduct in office, incompetency, gross insubordination, willful neglect of duty, or conviction of a crime involving moral turpitude) In addition, continuing contract teachers can be specifically removed for drunkenness and immorality.
Georgia	1. Incompetency 2. Insubordination 3. Willful neglect of duties 4. Immorality 5. Inciting, encouraging, or counseling students to violate any valid state law, municipal ordinance, or policy or rule of the local board of education 6. To reduce staff due to loss of students or cancellation of programs 7. Failure to secure and maintain necessary educational training 8. Any other good and sufficient cause
Hawaii	1. Inefficiency or immorality 2. Willful violations of policies and regulations of the department of education 3. Other good and just cause
Idaho	1. Just and reasonable cause (material violation of any lawful rules or regulations of the board of trustees or of the state board of education, or for any conduct which could constitute grounds for revocation of a teaching certificate)
Illinois	1. Incompetency 2. Cruelty 3. Negligence 4. Immorality 5. Failure to complete a one-year remediation plan with a "satisfactory" or better rating 6. Other sufficient cause 7. Decrease in the number of teachers employed in a district 8. Discontinuance of some particular type of teaching service
Indiana	1. Immorality 2. Insubordination, which means a willful refusal to obey the state school laws or reasonable rules prescribed for the government of the school corporation 3. Neglect of duty 4. Incompetency (semi-permanent teacher status reads: substantial inability to perform teaching duties) 5. Justifiable decrease in the number of teaching positions 6. A conviction for: (a) Rape, if the victim is less than eighteen years of age (b) Criminal deviate conduct, if the victim is less than eighteen years of age (c) Child molesting (d) Child exploitation (e) Vicarious sexual gratification (f) Child solicitation (g) Child seduction (h) Incest, if the victim is less than eighteen years of age 7. Other good and just cause (semi-permanent teacher status also adds: the cancellation is in the best interest of the school corporation)
Iowa	1. Just cause
Kansas	No reasons for termination/dismissal specified

Kentucky	1. Insubordination, including but not limited to violation of the school laws of the state or administrative regulations adopted by the Kentucky board of education or lawful rules and regulations established by the local board of education for the operation of schools, or refusal to recognize or obey the authority of the superintendent, principal, or any other supervisory personnel of the board in the performance of their duties 2. Immoral character or conduct unbecoming a teacher 3. Physical or mental disability 4. Inefficiency, incompetency, or neglect of duty, when a written statement identifying the problems or difficulties has been furnished the teacher or teachers involved
Louisiana	1. Willful neglect of duty 2. Incompetency 3. Dishonesty 4. Of being a member of or contributing to any group, organization, movement or corporation that is by law or injunction prohibited from operating in the State of Louisiana
Maine	1. Unfit to teach 2. Services not profitable to the school 3. Just cause
Maryland	1. Immorality 2. Misconduct in office, including knowingly failing to report suspected child abuse in violation of SS 5-704 of the Family Law Article 3. Insubordination 4. Incompetency 5. Willful neglect of duty
Massachusetts	1. Inefficiency 2. Incompetency 3. Incapacity 4. Conduct unbecoming a teacher 5. Insubordination 6. Failure on the part of the teacher to satisfy teacher performance standards 7. Other just cause
Michigan	1. Reasonable and just cause
Minnesota	Year-end dismissal prior to April 1st: 1. Inefficiency 2. Neglect of duty, or persistent violation of school laws, rules, regulations or directives 3. Conduct unbecoming a teacher which materially impairs the teacher's educational effectiveness 4. Other good and sufficient grounds rendering the teacher unfit to perform the teacher's duties Year end dismissal prior to June 1st: 1. Discontinuance of position 2. Lack of pupils 3. Financial limitations 4. Merger of classes caused by consolidation of districts Immediate dismissal: 1. Immoral conduct, insubordination, or conviction of a felony 2. Conduct unbecoming a teacher which requires the immediate removal of the teacher from classroom or other duties 3. Failure without justifiable cause to teach without first securing the written release of the school board 4. Gross inefficiency which the teacher has failed to correct after reasonable written notice 5. Willful neglect of duty 6. Continuing physical or mental disability subsequent to a 12-month leave of absence and inability to qualify for reinstatement
Mississippi	1. Incompetence 2. Neglect of duty 3. Immoral conduct 4. Intemperance 5. Brutal treatment of a pupil 6. Other good cause
Missouri	1. Physical or mental condition unfitting him to instruct or associate with children 2. Immoral conduct 3. Incompetency, inefficiency or insubordination in the line of duty 4. Willful or persistent violation of, or failure to obey, the school laws of the state or the published regulations of the board of education of the school district employing him 5. Excessive or unreasonable absence from performance of duties 6. Conviction of a felony or a crime involving moral turpitude
Montana	1. Good Cause

Nebraska	1. Upon cancellation, termination, revocation, or suspension of a teacher's certificate, by the state board of education, or of the Nebraska administrative and supervisory certificate or the Nebraska professional administrative and supervisory certificate of any certificated employee whose duties require such a certificate 2. Incompetence (including but not limited to demonstrated deficiencies or shortcomings in knowledge of subject matter or teaching or administrative skills) 3. Neglect of duty 4. Unprofessional conduct 5. Insubordination 6. Immorality 7. Physical or mental incapacity 8. Failure to give evider ce of professional growth (only at year end completion of contract) 9. Other conduct which interferes substantially with the continued performance of duties (only at year end completion of contract) 10. Reduction in force (only at year end completion of contract)
Nevada	1. Inefficiency 2. Immorality 3. Insubordination 4. Unprofessional conduct 5. Neglect of duty 6. Physical or mental incapacity 7. A justifiable decrease in the number of positions due to decreased enrollment or district reorganization 8. Conviction of a felony or of a crime involving moral turpitude 9. Inadequate performance 10. Evident unfitness for service 11. Failure to comply with such reasonable requirements as a board may prescribe 12. Failure to show normal improvement and evidence of professional training and growth 13. Advocating overthrow of the Government of the United States or the State of Nevada by force, violence or other unlawful means, or the advocating of teaching of communism with the intent to indoctrinate pupils to subscribe to communistic philosophy 14. Any cause which constitutes grounds for the revocation of a teacher's license 15. Willful neglect or failure to observe and carry out the requirements of this title 16. Dishonesty
New Hampshire	1. Immorality 2. Incompetency 3. Non-conformity to regulations prescribed
New Jersey	1. Inefficiency 2. Incapacity 3. Unbecoming conduct 4. Other just cause
New Mexico	Termination (at year end contract expiration): Any reason the board deems sufficient for employees with less than 3 years of service; just cause (a reason that is rationally related to an employee's competence or turpitude or the proper performance of duties) for employees with over 3 years of service Discharge (prior to expiration of current contract): Just cause, regardless of length of service
New York	1. Insubordination, immoral character, or conduct unbecoming a teacher 2. Inefficiency, incompetency, physical or mental disability or neglect of duty 3. Failure to maintain certification as required by statute and by regulations of the commissioner of education

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North Carolina	1. Inadequate performance 2. Immorality 3. Insubordination 4. Neglect of duty 5. Physical or mental incapacity 6. Habitual or excessive use of alcohol or nonmedical use of a controlled substance as defined in Article 5 of Chapter 90 of the General Statutes 7. Conviction of a felony or a crime involving moral turpitude 8. Advocating the overthrow of the government of the United States or the State of North Carolina by force, violence, or other unlawful means 9. Failure to fulfill the duties and responsibilities imposed upon teachers by the General Statutes of this State 10. Failure to comply with such reasonable requirements as the board may prescribe 11. Any cause which constitutes grounds for the revocation of such career teacher's teaching certificate 12. Any justifiable decrease in the number of positions due to district reorganization, decreased enrollment, or decreased funding, provided there is compliance with subdivision 2 13. Failure to maintain his certificate in a current status 14. Failure to repay money owed to the state in accordance with the provisions of Article 60, Chapter 143 of the General Statutes 15. Providing false information or knowingly omitting a material fact on an application for employment or in response to a preemployment inquiry 16. For certain employees of lowest performing schools, failing to pass a general knowledge test three times.
North Dakota	1. For cause when the interests of the school may require it Grounds for revocation of teaching certificate 1. For any cause which would have authorized or required the education standards and practices board to refuse to grant the certificate if the facts were known at the time when the certificate was granted. 2. For incompetency, immorality, intemperance, or cruelty of the certificate holder. 3. The certificate holder has been convicted or pled guilty or nolo contendere before a court of competent jurisdiction in this or any other state, or before any federal court, of an offense determined by the education standards and practices board or the administrator's professional practices board in the case of a school administrator to have a direct bearing upon a person's ability to serve the public as a teacher or administrator, or the education standards and practices board or the administrator's professional practices board determines, following conviction of any offense, that the person is not sufficiently rehabilitated under section 12.1-33-02.1. 4. For the refusal by the certificate holder to perform the duties of a teacher or the general neglect of the work of the school. 5. For the breach, by the certificate holder, of a contract with any school district. 6. Serious violation or a series of violations of the professional codes and standards promulgated in accordance with law.
Ohio	1. Immorality 2. Willful and persistent violation of reasonable regulations of board policy 3. Gross inefficiency 4. Other good and just cause
Oklahoma	1. Willful neglect of duty 2. Repeated negligence in performance of duty 3. Mental or physical abuse to a child 4. Incompetency 5. Instructional ineffectiveness 6. Unsatisfactory teaching performance 7. Any reason involving moral turpitude 8. Felony conviction unless pardon issued 9. Criminal sexual activity (sodomy) that impedes effectiveness of school duty performance 10. Sexual misconduct (soliciting or imposing of criminal sexual activity that impedes effectiveness of school duty performance)
Oregon	1. Inefficiency 2. Immorality 3. Insubordination 4. Neglect of duty, including duties specified by written rule 5. Physical or mental incapacity 6. Conviction of a felony or of a crime according to the provisions of ORS 342.143 7. Inadequate performance 8. Failure to comply with such reasonable requirements as the board may prescribe to show normal improvement and evidence of professional training and growth 9. Any cause which constitutes grounds for the revocation of such contract teacher's teaching license.

Pennsylvania	1. Immorality 2. Incompetency 3. Unsatisfactory teaching performance based on two (2) consecutive ratings of the employee's teaching performance that are to include classroom observations, not less than four (4) months apart, in which the employee's performance is rated as unsatisfactory 4. Intemperance 5. Cruelty 6. Persistent negligence in the performance of duties 7. Willful neglect of duties 8. Physical or mental disability as documented by competent medical evidence, which after reasonable accommodation of such disability as required by law substantially interferes with the employee's ability to perform the essential functions of his employment 9. Advocation of or participating in un-American or subversive doctrines 10. Conviction of a felony or acceptance of a guilty plea or nolo contendere therefor 11. Persistent and willful violation of or failure to comply with the school laws of the commonwealth on the part of the professional employee
Rhode Island	1. Good and just cause
South Carolina	1. Failure, or who may be incompetent, to give instruction in accordance with the directions of superintendent, or who shall otherwise manifest an evident unfitness for teaching 2. Persistent neglect of duty 3. Willful violation of rules and regulations of district board of trustees 4. Drunkenness 5. Conviction of a violation of the law of this state or the United States 6. Gross immorality 7. Dishonesty 8. Illegal use, sale or possession of drugs or narcotics
South Dakota	Just cause, including 1. Poor performance 2. Incompetency 3. Gross immorality 4. Unprofessional conduct 5. Insubordination 6. Neglect of duty 7. Violation of any policy or regulation of the school district 8. Breach of contract
Tennessee	1. Incompetence 2. Inefficiency 3. Neglect of duty 4. Unprofessional conduct 5. Insubordination
Texas	1. Necessary reduction of personnel by the school district (such reductions shall be made in the reverse order of seniority in the specific teaching fields) 2. For good cause as determined by the local school board, good cause being the failure of a teacher to meet the accepted standards of conduct for the profession as generally recognized and applied in similarly situated school districts throughout Texas
Utah	1. The district shall provide employees with a written statement of the causes under which a contract shall not be renewed, under which a contract of each class of personnel shall not be renewed and under which a contract can be otherwise terminated during the contract term Grounds for revocation of a teaching certificate 1. Behavior exhibiting unfitness for duty through immoral, unprofessional or incompetent conduct 2. Committing any other violation of standards of ethical conduct, performance or professional competence
Vermont	For nonrenewal of contract: Nonprobationary teacher: 1. Just and sufficient cause Probationary teacher: 1. Any reason other than those prohibited by law For dismissal (all teachers) 1. Incompetence 2. Conduct unbecoming a teacher 3. Failure to attend to duties 4. Failure to carry out reasonable orders and directions of the superintendent and school board

Virginia	1. Incompetency 2. Immorality 3. Noncompliance with school laws and regulations 4. Disability as shown by competent medical evidence when in compliance with federal law 5. Conviction of a felony or a crime of moral turpitude 6. Other good and just cause
Washington	Sufficient cause(s)
West Virginia	1. Immorality 2. Incompetency 3. Cruelty 4. Insubordination 5. Intemperance 6. Willful neglect of duty 7. Unsatisfactory performance 8. Conviction of a felony or a guilty plea or a plea of nolo contendere to a felony charge
Wisconsin	Determined through collective bargaining agreements
Wyoming	1. Incompetency 2. Neglect of duty 3. Immorality 4. Insubordination 5. Unsatisfactory performance 6. Any other good or just cause

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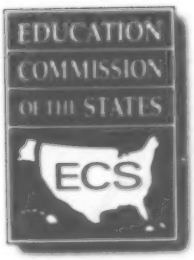

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